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GEORGE HENRY GAY

*June* 15, 1927

# TRUTH ESPOUSED,

RELATIVE TO THE DIFFICULTIES THAT EXISTED

IN THE TOWN OF MANCHESTER, MASSACHUSETTS,

BETWEEN JAMES THURSTON, MINISTER OF THE GOSPEL, AND A RESPECTABLE NUMBER OF THE INHABITANTS OF MANCHESTER—AND WHICH OCCASIONED A MAJORITY OF THE MALE MEMBERS OF THE CHURCH, AND A RESPECTABLE PROPORTION OF THE PARISHIONERS TO SECEDE FROM THE SOCIETY IN SAID TOWN,

APRIL 5th, 1819.

SUBJOINED

IS A GENERAL VIEW OF THE COUNCIL DOINGS, IN RELATION TO THE DISMISSAL OF JAMES THURSTON FROM THAT SOCIETY,

JUNE 17th, 1819.

ALSO,

SKETCHES OF THE LAW-SUIT, JAMES THURSTON, PLAINTIFF, TYLER PARSONS, DEFENDENT.

ANNEXED

IS JAMES THURSTON'S MEMORIAL TO THE COUNCIL, PRESENTED BY LEVERETT SALSTONSTALL, ESQ. AT THE INSTALLATION OF THE REV. SAMUEL M. EMERSON, AT MANCHESTER,

SEPTEMBER 12th, 1822.

BY TYLER PARSONS.

"He is a freeman whom the truth makes free,
And all are slaves besides. There's not a chain,
That hellish foes, confederate for his harm,
Can wind around him, but he casts it off,
With as much ease as Samson his green withes." COWPER.

DEDHAM:
PRINTED BY H. & W. H. MANN.
1823.

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FROM THE LIBRARY OF
ERNEST LEWIS GAY
JUNE 15, 1927

DISTRICT OF MASSACHUSETTS—TO WIT:

BE IT REMEMBERED, That on the seventeenth day of April, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-seventh year of the Independence of the United States of America, TYLER PARSONS, of the said district, has deposited in this office, the title of a book, the right whereof he claims as author, in the words following, to wit:

"Truth espoused, relative to the difficulties that existed in the town of Manchester, Massachusetts, between James Thurston, Minister of the Gospel, and a respectable number of the inhabitants of Manchester, and which occasioned a majority of the male members of the church, and a respectable proportion of the parishioners to secede from the society in said town, April 5th, 1819. Subjoined is a general view of the council doings, in relation to the dismissal of James Thurston from that society, June 17th, 1819. Also, sketches of the law-suit, James Thurston, plaintiff, Tyler Parsons, defendant. Annexed is James Thurston's memorial to the council, presented by Leverett Saltonstall, Esq. at the installation of the Rev. Samuel M. Emerson, at Manchester, September 12th. 1822. By Tyler Parsons.

"He is a freeman whom the truth makes free,
And all are slaves besides. There's not a chain,
That hellish foes, confederate for his harm,
Can wind around him but he casts it off,
With as much ease as Samson his green withes." COWPER.

In conformity to an act of the Congress of the United States, entitled, "An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned;" and also to an act, entitled, "An act, supplementary to an act, entitled an act, for the encouragement of learning, by securing the Copies of Maps, Charts, and Books, to the authors and proprietors of such Copies, during the times therein mentioned; and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

J. W. DAVIS, *Clerk of the District of Massachusetts.*

## TO THE CANDID READER,

*THE COMPILER MOST RESPECTFULLY OFFERS*

## THIS PUBLICATION;

In hopes to receive that patronage that is usually bestowed on the truth: and those favours frequently shown to those persons which advocate it. Having no other object in view than public good and justifiable ends.

TYLER PARSONS.

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# PREFACE.

THE Author of this pamphlet, having noticed a newspaper publication, of the award given James Thurston, in the action where James Thurston was plaintiff, and Tyler Parsons defendant,—the award announced, was fifteen hundred dollars. The above being published without any thing said or done by the defendant, for the purpose of showing to the public the origin of the difficulties that led to this suit, has, in some instances, and probably in many, been injurious both to the character and interest of the defendant,—and to confront certain reports in circulation, where the character of the author is unfairly implicated, and to do away those misconceptions on the public mind, that must have been made, together with the indispensable duty that I owe to myself, to my family and the public, is the object of this publication. I come before the public with the impression, that every candid and impartial reader, will, by a careful perusal of the facts, and other circumstances produced in this manuscript, be led to believe, that I have not aimed at any thing more than the truth, impartiality, and precision; believing it to be as important to advocate the truth in this case, as it is in any case to go to law for justice.

30 Oct 05 Foley m

It will be my object in this publication, to give a candid, an unvarnished statement of the transactions in Manchester, in relation to the difficulties that have taken place between James Thurston, the congregational preacher in the town of Manchester, and that church and parish—and which occasioned a majority of the church male members, and a large and respectable part of his parishioners to leave the society, and become connected with the Rev. Nathaniel W. Williams' Society in Beverly. The charges as believed by the disaffected, are comprised in a general view from one to eight; together with many of the attending circumstances, that induced us to believe that Thurston was a bad citizen, a bad minister, and a bad man.

I shall endeavour to show the various transactions on both sides of the subject—the town meetings, altercations, and other circumstances that transpired from time to time, that the reader may be able to form as good a clue to the business as though he was present, up to the time that the disaffected seceded, viz. 5th of April, 1819. After that, as you will see by the documents annexed, we know nothing of the doings of Thurston and the town except what we learn from their papers, handed the council the 2d June, and the 17th June, 1819, adjournment of council. I here exhibit to you all the doings of the council that they made public, or that has come to my hands. Also some general views of the law-suit, Thurston plaintiff, the author defendant; together with such remarks on all the town meetings, council proceedings, the evidences in the law-suit, as is calculated to explain to the reader the object and manner which I understood all the proceedings at that time—with a strict regard to truth, without the least intention of colouring or garbleing the proceedings in any particular whatever.

I shall here remark, that at the time of our seceding from the society in Manchester, we were not in possession of the testimony of Doct. Mussey, nor the testimony of Doct. Dewey; but notwithstanding that, the circumstances were such as induced us to believe, what we have since by their evidence proved to demonstration in our minds, that our beliefs were well founded in relation to the dissection report; and as it respects the letter that Thurston circulated, and that we believed he knew to be false; and that Thurston had an agency of getting Doct. Dewey to Manchester, his denying of it to the contrary notwithstanding. I shall endeavour to pursue it in the order and in succession, as they took place, to the end of this pamphlet.

IN my prefatory remarks, I have undertaken to show to the public. the charges which the church and parishioners had against James Thurston; and not having a fair opportunity (as we conceived) of preferring them against him, caused about ninety heads of families, including a majority of the male members of the church, and including the female members, making, as you will see by the list of seceders annexed, about four and twenty church members.

Charge 1st. It was believed by us that James Thurston's conduct in Manchester, had been such as to destroy his usefulness as a teacher of piety, morality, and virtue; and that we had lost that confidence in him that should exist between the church, parishioners, and the minister, in order that they may be useful to each other.

Charge 2d. It was also believed that Thurston did take a bundle of shingles from the school-house in Manchester, in an ungentlemanlike and unchristianlike manner, and that the said Thurston did prevaricate and make false statements, in relation to his obtaining these shingles, to Mr. Burnham and Capt. Burgess.

Charge 3d. It was believed that Thurston had an agency in getting Doct. John Dewey, then of Hanover, N. H. to come to Manchester in the capacity of a physician, in the year 1815; and when the said Dewey was at Manchester, that the said Thurston did advise said Dewey to tarry there in his said capacity, stating to him as an inducement that he might have a fine opportunity for private dissection in Manchester, as there would not be the least difficulty in obtaining subjects there.

Charge 4th. It was believed that Thurston had slandered the inhabitants of Manchester, in a most disgraceful manner, without cause or provocation, contrary to the laws of God or man.

Charge 5th. It was believed that Thurston had called a town meeting, January 20th, 1819, for the purpose of getting a select committee, with an intention of evading a proper enquiry into the reports that are contained in the before-mentioned charges.

Charge 6th. It was believed that Thurston did prefer certain charges against himself, before the committee on the 15th day of February, 1819—charges which had never been a subject of litigation or examination, either in church or town, to our knowledge; and that said charges were brought by said Thurston, knowing himself, that they were not true, and for the purpose of pre-

venting those which we believe he knew to be true, from being preferred and investigated. The charges which I allude to, that said Thurston preferred against himself, as reports were, as he said, that he was charged with "*fornification*," and of '*getting one girl with child*," *as the said Thurston expressed himself before the committee on the 15th of February, 1819, at the school-house.* (Refer to that meeting.)

Charge 7th. It was also believed that Thurston did *pretend* to go a *journey* into the *country*, for the purpose of seeing Doct. Dewey, then residing in the town of Lancaster, N. H. in order to prepare the way for a *letter* to exhonerate him the said Thurston, from charge *the third*, which you find stated in an extract of a letter from Doct. R. D. Mussey, of Hanover, N. H. to Doct. Thomas Sewall, Ipswich, Mass. bearing date 26th of October, 1818.

Charge 8th. It was believed that Thurston sometime in the month of February, or the first of March, following his pretended journey, did receive a letter by mail, purporting to have been written and signed by Doct. John Dewey, of Lancaster, N. H. that it was, as we understood, mailed at an office in a town in the State of Vermont, about 20 or 30 miles from where said Dewey lived, and that said Thurston did circulate said letter among his friends in Manchester, as a *true letter* from said Dewey—it being a *false letter* to the contrary notwithstanding.

Thus far our belief, before we seceded from said Thurston. After that date, our beliefs were confirmed by the testimony of Doct. Reuben D. Mussy, and the testimony of Doct. John Dewey, annexed—that said Thurston did advise Doct. Dewey to go to Manchester in 1815, although the said Thurston did repeatedly deny it; and that the said Thurston did request Doct. Dewey to give him the said Thurston a *statement* or *certificate*, to lay before the town of Manchester, such a one as we believe said Thurston must have *known to be false, viz.* in relation to his having an agency in getting Doct. Dewey to Manchester, in 1815. (Refer to Dewey's testimony.) And we were further confirmed that the *letter* that Thurston predicted he should have from Dewey, in answer to his letter of December 4th, 1818, or January 14th, 1819, sent Dewey, was not answered by said Dewey, as you will see by Dewey's testimony annexed; and that Thurston not being able to get Dewey to give him a *false letter*, or *false statement*, or *certificate*, or *any letter at all*, did, in the month of March following his writing Dewey, to give him what he calls an *honorable letter*, as you will see in Thurston's letter to Dewey, dated January 14th 1819—I say Thurston not being able to obtain this *honorable letter*, did circulate a *false letter*, purporting to have come from *John*

*Dewey*, as a *true letter*, to exhonorate him the said Thurston from the charge in Mussey's letter to Sewall, of advising Doct. Dewey to tarry in Manchester for the purpose of *private dissections*.

I here remark, the reader will see that Thurston says, as by the testimony of Burgess, that he took great pains to *get this letter* above alluded to. By a careful perusal of all the testimony, and all the circumstances here produced, you will see, I presume, all the charges proved to the satisfaction of every candid mind.

I shall endeavour to show the reader the facts and occurrences that took place from time to time, together with such remarks as is calculated to show the grounds on which our beliefs were thus formed. In this view of the business, it will be necessary for me in order to be concise as possible, and at the same time give the reader a full view of the case, I must often refer to papers and dates; and I shall be under the necessity of using Thurston's flat and indelicate language in some instances, that I should not have done were it not for that precision intimated in my prefatory remarks. The reader will pardon me, I presume, when I make a remark on the nature of truth, and will agree with me in believing with some of the greatest writers in the world, in order to have a consistent knowledge of truth—and that to have its full and fair weight, we should be divested of all prejudice or partiality, on either side of the question, and look at things as they are in themselves, and to form our ideas concerning them conformable to their nature. In order to do that, we must set out with a fixed and incontestable principle, that our understanding has within itself strength sufficient, if unprejudiced, to arrive at the knowledge of truth, and to distinguish it from error. Especially in things wherein our respective duties are concerned, provided we employ all that care and attention, that usually lies in our power for that purpose.

I proceed to substantiate my first charge. There was a lamentable division and unhappiness in the church from time to time, from and after a few years of Thurston's settling in Manchester. It grew in the first place from Thurston's interfering with Doct. Grosvenor's medicine and practice, as I was informed. They had been frequently at a great distance in respect to good feelings; it was soon discovered that Thurston's disposition was peculiarly ungrateful—disposed to exhibit a disposition of revenge, unyielding to truth in many respects. At length he took up the low and degraded part of speaking in a sarcastic manner from the desk. This was a dangerous mode of warfare; he began by comparing some of his hearers of either church or parish, to the dog in the manger; to rickety children, whose heads grew faster than their

bodies, indicating a disorder; others out of the desk, to the saucy boy, stealing the old man's apples—you will recollect the old fables. These unchristian and ungentleman-like speeches, soon *alienated* the *affections* of many; they did destroy all fellowship and brotherly love, and created *ill blood*. The members of the church met for the purpose of enquiry into these base and unwarranted allusions; it was thought best that I should have a private interview with Thurston. I accordingly attended to it; I stated to him what he had said in the desk, and out of the desk, by way of degrading me particularly. This business was called up by the church afterwards, and the members required that Thurston should confess his faults—and the confession ought to made as broad as the offence; in hopes that Thurston would see his errors, and in future treat us as he would like to be treated. It was then concluded to call a church meeting, to be held in November, 1816—the object of the meeting was to endeavour to reconcile the disaffected; as a preparatory measure, it was considered best to choose a committee, to draw up some rules and regulations of discipline, conformable to the spirit of the gospel—to be laid before the church, at a future meeting of the church, for their approbation and acceptance.

1st. Voted, to choose a committee of seven.

2d. Voted, that James Thurston, Tyler Parsons, Gefferd Goldsmith, Doct. David A. Grosvenor, Dea. Nathan Allen, John Girdler, and Jonathan Allen, be the committee.

Some time elapsed before any one would undertake to write a rule of discipline; it was expected that Mr. Thurston would attend to it, but he refused. I accordingly attended to it; after having completed the same, Mr. Thurston called at my house, and enquired of me if I had finished my remarks on church discipline; I replied yes, and that the paper was signed by all the committee except himself and Mr. Goldsmith; Goldsmith living about three miles distant, was the reason of his not signing it, as it had not then been presented him. Thurston requested to have the minutes to take home to peruse before he signed them. I then read the remarks that I had penned, and asked him if he had any objection to them; he said no—but he would take it home to look over. He carried the papers home with him; in the course of eight or ten days, I heard that he had carried it to the Minister in Gloucester to get an opinion. I called on Mr. Hartshorn, then Minister at Gloucester, and made some enquiries—as I understood he had been called on by Thurston. He said to me that he did not see any thing prejudicial to the vital interest of the church. I had learned previous to my calling on Mr. Hartshorn, that

Thurston had resolved not to have those rules adopted in the church, if he could prevent it. This was the object of my calling on Mr. Hartshorn. Not long after this, Capt. John Girdler, one of the committee, came to me with a paper, purporting to be a rule of discipline for the church from Mr. Thurston, to see if I would abandon the system I had introduced, and adopt his. I objected on this account—"that as Mr. Thurston had refused in the first place, having any thing to do with the matter, I had attended to it; and that there would be the greatest impropriety in my accepting of that, especially where all the committee except two, had signed it, for the purpose of laying the same before the church, for their approbation and acceptance." The time appointed for the church to meet at the dwelling-house of Mr. Thurston, for the purpose of laying these rules before them, accordingly met, and the committee presented the rules annexed, for their approbation and acceptance. Here was much debate by Thurston; he appeared to show his usual habits. "The church ought not," said Thurston, "to pass any vote to accept that as a rule of discipline; that it was calculated to destroy the present platform of faith and belief; that it was capable of a three-fold meaning; that the word *emanate* was pernicious, and would produce much evil." In the course of his remarks, Thurston observed, that a minister was entitled to double honour—and to use his own words, "*Brethren, you see my name is not there.*" I replied to all his remarks—1st, that the whole of those rules had nothing more or less in them than such as the simplicity of the gospel held up to our view; and, that in the room of being calculated to destroy, they were intended to aid, and build up; as it respects the word *emanate*, that so much stress is laid on, it was nothing more than the act of proceeding from the heart, &c. But as it respects his name not being on that paper, it would be nothing more than James Thurston if it was there; and that we would wish him to remember, that in that very paper, we had agreed to call no man master on earth. We did not like these insinuations—that ministers, as he told of, should have double honour, except they behaved doubly as well as their neighbors; in that case, they always would have double honour, and double profit. By this time the vote was called for, and was adopted unanimously, I believe, except Mr. Thurston, and the meeting was dissolved.

Here follows the simple rules—so simple, though a fool in many other respects, may not err therein. I wish the christian reader to look through all these rules, and tell me what there is contrary to the religion that the Bible holds out to view. Is it not perfectly consistent with the dictates of conscience; is there a man on earth, in this enlightened country, that will dare to deny, that *all*

men have a right to *worship God* in that manner *they believe* will be most agreeable to his will and pleasure. These rules of discipline is the first public paper, marked No. 1, signed by the committee chosen for that purpose. All the official papers will be numbered and marked, and come in rotation, in order to give the reader the shortest way to get at the facts.

(NO. 1.)

Agreeably to a vote of the church, at a meeting held November, 1816, for the purpose of settling, transacting, and carrying into effect any measures that should be considered expedient for the good of the church and society, and of promoting the cause of religion, it was voted to choose a committee, to draw up some regulations conformable to the spirit of the gospel, and to lay the same before the church, for their approbation and acceptance.

*Brethren of the Church*—In compliance with your request, your committee after due consideration, and with gospel diffidence, beg leave to report their views respecting a christian walk and gospel discipline in this church. And First.—There should be a committeechosen from among the male members of the church, for the express purpose of aiding assisting, and relieving, so far as is in their power, any member of the church, in any difficulty they may fall into, where the character of the church is interested, so far as is within the rules of the Gospel; also to adjust, transact, and carry into effect, all, and every matter or thing, relating to the expenditures of the church, or incomes of the same—and report annually, for the general satisfaction and mutual interests of the church.

Second. The plain and fair meaning of all gospel rules, appears to your committee of the first importance. With the view to impress the duty we owe to each other, as well as to observe the regulations of the church, your committee feel it their duty to lay before you their opinion relative to the good order of the church, and the permanent happiness of its members. In the first place, let each and every member, endeavor to cultivate the most charitable views towards each other; endeavoring to esteem each other, better than himself; remembering that the gospel discipline requires a tender conscience, making love, the characteristic of all our religion. Your committee are fully aware of the privileges that christians have a right to embrace, in all matters of conscience. Our views on this head are, that we are to call no man Master on earth; and to let no man, or consociated bodies of men, lord over us, in doctrine or discipline; remembering that one is our Master, who is Christ—to whom we are all accountable, and that the ministers of Christ are brethren.

Your committee, so far from lording over God's heritage, do conceive it as an inherent right of all mankind, to worship God in that manner, which they believe to be most acceptable to him. And that civil government, nor any religious test, that have been hitherto formed, have any just right to retain or coerce the exercise of our religious faith; it being the essence of all true worship, that it should emanate freely, and voluntarily, from the heart;—fully believing, that he that feareth God and worketh righteous-

ness. will be accepted of Him. The above, you will see, are among the privileges of the gospel. Your committee feel it their duty to express their opinion respecting the commands of the gospel; that, notwithstanding there is every reasonable indulgence granted, in matters of conscience, yet there is no allowance for us to indulge ourselves in any thing vicious; but does forbid, in the most pointed light, every species of vice and immorality. As for instance, the practice of speaking evil of each other, or of any man; of going from place to place, introducing the occasional difficulties that may from time to time take place, with the view of exciting the aid and sympathy of the one, to the prejudice and injury of the other. This is among the evils of our day, and has already produced the most bitter effects. Let every man speak truth of his neighbor

Brethren, amongst the many duties, privileges, and commands of the gospel, as expressed by your committee, they would not wish to omit expressing their most sincere views respecting the duty we owe to him, who has engaged here to lead in spiritual things. While he is forbidden to even think to lord over God's heritage, we are also reminded, that we must not want to be masters ourselves While he is commanded to teach with all long-suffering, and doctrine, we are reminded to esteem him for his works sake; while his duty calls him to pray with, and for the sick and distressed, our duty engages us to visit him, when sick and distressed. As his happiness much depends on having gospel fellowship with the members of the church, and especially the officers of the church,—so does the happiness of the members of the church, and especially the officers of the church, much depend on being in gospel fellowship with him. And without endeavoring to cultivate and reduce to practice, such sentiments as have been expressed by your committee, we have no expectation of a gospel blessing.

Your committee are further of opinion, that the forsaking the assembling ourselves together, has a very unhappy tendency, and is subversive of the order that the gospel strongly recommends. We therefore advise, that quarterly conferences be held by the church. Further, that it is highly necessary that there should be church books kept, to record all our proceedings; and that the pastor, or teacher, should keep them; and that he should endeavor to attend, as his duty, to preside as chairman in all our meetings, held for church business; and that there be a church treasury kept, treasurer chosen annually, so that there may be some regular way of managing the church concerns, which will prepare the way for the standing committee to transact the business which necessarily devolves on them. Further, your committee advise, that any application from one or more male members of the church, with the advice of the pastor, should be considered as sufficient to call a church meeting; and notice of such meeting, given from the desk requesting the members of the church to tarry after the services are ended, and the object of the intended meeting declared, so that every member may have an opportunity of approving or disapproving.

Finally, brethren, most affectionately ask of each and every one, publicly to renew those acts of devotedness to our Master's cause, that we have long since made; and those purposes of mu-

tual co-operation and assistance which we have had from each other. Let us watch over one another, for mutual improvement, encouragement and happiness. Let us endeavor, as much as in us lieth, to animate each other's efforts. Let us pray for each other's fidelity and success, so that we may finish our course well.

Most respectfully submitted to the Church, for their approbation and acceptance. Signed by the Committee.

TYLER PARSONS.
NATHAN ALLEN.
DAVID A. GROSVENOR.
JOHN GIRDLER.
JONATHAN ALLEN.

Soon after these church rules were adoped, it excited the revenge of Thurston, as appears. He began to insinuate that Mr. Parsons would produce great evil in the church. He conversed with Mr. Jonathan Allen, a church member, and others, on the subject; and intimated to him, that Parsons, Bingham, and Lee, would have to leave the church, or not commune, and the like. Many other reports came from abroad, calculated to injure the feelings of particular members of the church, and if not seasonably prevented, would be injurious to the character of the church generally. From what we could learn, these reports came by the way of Mr. Thurston. We accordingly called a meeting the 8th of May, 1817, to meet at the dwelling-house of Mr. Henry Lee. Mr. Thurston was notified of the meeting, and was present.

1st. Voted, that Henry Lee be chairman, and Deacon D. L. Bingham scribe. The reason we would not have Thurston chairman, according to our rules before mentioned, was, because he was called there to answer to certain reports, that we believed he got into circulation, injurious to our feelings, and the happiness of the church. We then proceeded to enquire of Mr. Thurston if he had said thus and so. He declined answering. At length he said he did not recollect of saying as we stated. Mr. Allen being present, was asked if Mr. Thurston made such and such statements to him. He said that he did. Thurston immediately left the room. This is his usual habit, when called to account for his conduct with us. We then voted, 1st, that it was the opinion of the church, that Mr. Thurston had got into circulation reports injurious to the character of the church. 2d. Voted, that a letter be sent to Mr. Thurston, by the chairman and scribe of this meeting, giving him their views of the situation of the church. The letter was deferred until the 13th of June next, for the purpose that Thurston may have an opportunity of accommodation, and time to adjust the business All hopes of reconciliation in a gospel way being at at end, the letter was sent Mr. Thurston, dated June 13, 1817. (No. 2, annexed.) You will see in this letter,

the facts in support of my first charge—"that all confidence in Thurston was lost, or did not exist in the church at that time." You will see in this letter, the opinion and the real situation of things. For the further support of the charge, I refer you to the affidavit of John Girdler, a church member at that time; and further, to the sayings of the council, in their papers, that difficulties of a long standing, I suppose they allude to, about those days.—Further, look at Thurston's reply to this letter from the church, of June 13th—Thurston's letter dated June 17, 1817;—there you will see how he seems to evade an examination, and absolutely denies of ever knowing any thing about this meeting, or even being on trial. Take a retrospective view of the whole of the circumstances up to this time, and judge whether the first charge is supported or not; then look through the reply to Thurston's letter dated June 23, 1817—(marked No. 4.) signed Tyler Parsons, Henry Lee—the opinion of the committee from the church; and should you be of opinion that the first charge is not sufficiently supported, I wish you to suspend your judgment till he the said Thurston advances to the date of April 5, 1819, at the time so respectable a number of the church and society was compelled to secede from Thurston and the society.

(No. 2.)

Mr. James Thurston.—Sir, The church of the town of Manchester have met from time to time, to enquire into certain reports in circulation, where the character of the church was interested, and have found by examination of you and others, that you have been the author of those reports, and without just right or cause you have hastily, imprudently and designedly misconstrued the motives of the church brethren; and in addition to that your disrespectful treatment to many of your church brethren and parishioners, has in the opinion of the church brethren, many of them, impaired your usefulness, and has been the first cause of all the difficulties and evils which now exist in the church. Your conduct generally has been such as to excite in the minds of the sisters of this church, a great degree of sympathy, in favor of you and your measures, and has in the same proportion raised their prejudices against their brethren; and has occasioned your brethren, as a church, to withdraw their fellowship from you, and has led them to adopt, and publicly declare, their rights and privileges, and will forever maintain them.

*Dated Manchester, June* 13th, 1817.

Signed, HENRY LEE, *Chairman.*

D. L. BINGHAM, *Scribe.*

(Here follows Thurston's reply:)

(No. 3.)

*Manchester, June* 17, 1817.

Deacon Delucena L. Bingham—Sir, A communication has been handed to me with your signature, bearing date the 13th instant, and giving

it to be understood that some answer had been expected from me to a former communication, or to "charges" therein contained I received indeed the communication referred to, but did not know that any answer to it was expected, desired, or was necessary. It proposed nothing, requested nothing, it demanded nothing. It accused indeed, and pronounced condemnation. It accused me of being the "author of certain reports," of having "hastily, imprudently and designedly misconstrued the motives of the church brethren," of "disrespectful treatment to many" of my "brethren" and many "of my" parishioners, of being "the first cause of all the difficulties and evils which now exist in the church," and of exciting "in the minds of the sisters of this church a great degree of sympathy in favor of me and my measures;" and it purported that the brethren as a church had withdrawn fellowship from me. But to say nothing of the spirit and style of the communication, the charges were in terms too general to admit of an answer. Besides, the answer, had any been made, must have been, it would seem, too late. Though I have had no knowledge of any regular steps or process in the case; yet if it is so, as the said communication purports, that the church, as a church, has withdrawn fellowship from me, that is, in other words, has excommunicated me; then what have I to do? Condemned unheard, and even without notice that I was to be upon trial, of what use would it be for me now to attempt to answer, to plead, or to remonstrate? If I am an offender, or have committed any thing worthy of death I refuse not to die; but if there be none of these things whereof thou accuse me, "I have only to commit myself to Him who judgeth righteously."

With due respect, &c.

JAMES THURSTON.

REMARK—It will be noticed, that Thurston directs his letter to Deacon D. L. Bingham, rather than Henry Lee and D. L. Bingham, as a committee. You will recollect that Thurston objected to putting his name to the church articles—therefore, the said Thurston would never acknowledge any thing done under the direction of that committee; it was thought proper for two of the committee to reply to the letter sent Bingham. Reply as follows.

(No. 4.)

*Manchester, June 23, 1819.*

MR. JAMES THURSTON—SIR, We shall offer no apology to you for the liberty we take in answering your letter, dated the 17th instant directed to Delucena L. Bingham; you made him the organ of communication, notwithstanding you was informed that all your communications must be directed to the Committee; unprecedented as may be your mode of treating subjects of the most important concerns, which can affect society, you seem to choose to evade a fair and candid answer to our letter With the above introduction, we shall take up your letter as it reads, and treat it in a gospel-like manner. First you admit there were no charges alleged against you; if so, what is the course for you, if you know your brother has aught against us. "Go and be reconciled to your brother," is the gospel proposition—'tis the gospel request, 'tis the gospel demand. Notwithstanding you say the letter from the church, directed to you, proposed nothing, requested noth-

ing, demanded nothing. You say it accused indeed. Yes! and we believe the accusation to be just. You were the author of certain reports, as stated to you. You well know you treated your brethren in the manner they have stated to you. You say the charges were in too general terms to admit of an answer. This mode of evasion sir, we highly disapprove. You know they were too true to be denied. You say we have excommunicated you, condemned you unheard, and even without notice of being on trial; and of what use would it be for you now to attempt to answer, to plead, or to remonstrate? We will answer. Sir, you know the above statement is false. You were notified to attend the church meeting to answer to certain reports which you were said to be the author of; you accordingly attended; and from your own testimony, was found chargeable, and justly condemned; Does this look like giving you no notice of the trial as it respects the excommunicating of you? You well know the sentiments of your Committee; the power exclusively belongs to the church and parish from which you have your maintenance. It will be of no avail to you, sir to answer evasively, or to plead innocent. As for remonstrating, we despise the allusion of your having power to that effect; this is not the first time you have spoken of remonstrating; we wish you to remember, we call no man master on earth; and that there is no law but the law of love to govern Christians; neither does it require any other.

You say if you are an offender, and have committed any thing worthy of death, you refuse not to die. You well know, sir, you have offended, and you cannot expect the fellowship of your offended brethren, till your confession is made satisfactorily to them, and that as broad as the offence. The allusion in your letter, of having done any thing "worthy of death," we say we have made no such allegation; we are sorry that you should be so pusillanimous as to allude to that passage in scripture. We have a right to expect of you the truth, and that without the least evasion or duplicity. If you had always maintained the course that the gospel points out, you would not have been in this unhappy situation. Had you always spoken the truth of your neighbor, and maintained a gentleman-like, much more a christian-like treatment towards your brethren and parishioners then you would have probably lived in love and fellowship; then you might have reasonably expected a gospel blessing. But now you cannot; it is in vain for you to expect it, unless you endeavor to cultivate and practice a gospel spirit. You will endeavor to treat the subject in future, with all that candor that the gospel demands. Direct your communications to the subscribers, as a Committee of the Church, if you please For most probably this thing will have a public investigation, unless you seek peace and pursue it, agreeably to the requests and demands of the gospel. We are, with due respect, your Committee of the Church of Manchester.

TYLER PARSONS.
HENRY LEE.

Mr. JAMES THURSTON, *Manchester.*

This leads me to remark—It frequently was a subject of conversation with the church members, what course was best to adopt. After repeated meetings of a majority of the church members, it was concluded on, to advise to the suspension of the the administration of the ordinance of the Lord's Supper, for this reason—we thought it would be the height of impiety to pretend to that sacred

ordinance with such feelings, and such beliefs of the administration as we entertained. The members met for the purpose of examination among themselves, of all the reports and facts that had as yet come to their knowledge. We found if Thurston should think best to acknowledge his false statements, and other immoral conduct that we believed him guilty of, it would not answer the public;—and that the parishioners had a right to know all the truth, that had in any shape been made public. It was further urged, that there was reports by this time in circulation, of such a nature as tended to bring the members of the church as a christian society, into disrepute. And further, that a transaction once made public, could not be made private; and therefore, for the honor of the religion we profess, and the happiness of the church and society in this town, James Thurston ought to be dismissed.

At this time, a report was in circulation, that Mr. Thurston had advised Doct. John Dewey, in the year 1815, to tarry in Manchester in the character of a physician. And among other inducements, he told Dewey that Manchester was a fine place for private dissection, as there was not the least difficulty in obtaining subjects there. Thus far the report. After this came out, with all the rest of the charges then against Thurston, it was thought expedient to obtain a copy of the letter that contained the above report. I accordingly called on Doct. Thomas Sewall, of Chebaco, now in Essex, respecting the report. He said it was true. I requested the letter, in order to copy the extract relating to Thurston's advising Dewey, as the report stated. The following is an extract of the letter, dated the 26th of October, 1818, signed Reuben D. Mussey, to Doct. Thomas Sewall.

(NO. 5.)

"Doct. Dewey was in town the other day, and on reference to your difficulties, he repeated his surprise that the Rev. Mr. Thurston has interested himself so ardently against you; inasmuch as he urged him to tarry at Manchester in the capacity of a physician, by a motive which seems to be in opposition to the course he is now taking. He told Doct. Dewey he might have a fine opportunity for private dissections in Manchester, as there would not be the least difficulty in obtaining subjects there.

Yours, &c. REUBEN D. MUSSEY.

To Doct. THOMAS SEWALL.

*Hanover, October* 26, 1818.

This charge in Mussey's letter to Sewall, was made known to Thurston, and he *denied it*, in his usual way of denying every thing alleged against him, however well supported. As Thurston denied it so roundly, and in so many *different places*, I thought it advisable to get Dewey's affidavit to the point. I then wrote Doct. Mussey on the subject, as you will see by my letter annex-

ed, dated Manchester, November 24th, 1818, (marked No. 6.) Doct. Mussey being a gentleman of the first respectability for truth, a Professor at Dartmouth College, and having no inducement to state any thing more than what he heard from Doct. Dewey directly, induced many of us to believe it to be a fact, both in relation to Thurston's stating to Dewey, and Dewey relating the same to Doct. Mussey. Here follows my letter to Mussey.

(No. 6.)

*Manchester, Nov.* 24, 1818.

DR. REUBEN D. MUSSEY.—DEAR SIR, Yours of the 26th of October to Doctor Thomas Sewall has necessarily been made known to Mr. Thurston. He has denied the conversation between him and Dr. Dewey as is stated in yours. I give you this early information, in order that you may be prepared to disclose the whole truth An affidavit from Dr. Dewey will be of the first importance—the sooner the better I have placed the utmost confidence in what you wrote. Mr. Thurston I am told expects to get an affidavit from Dr. Dewey, or some other person, to the contrary. I presume you will make no delay to obtain Dr. Dewey's testimony, as it will be of the first importance to the inhabitants of Manchester. I shall not be disappointed, if Mr. Thurston is found guilty of the conversation with Doct. Dewey, and also of denying the same. Write me on the receipt of this if you please.

Yours, &c. TYLER PARSONS,

(Reply by Doct. Mussey, as follows.)

(NO. 7.)

*Hanover, N. H. November* 28, 1818.

DEAR SIR—I this evening received a letter from you, in which you state, that a remark of Dr. Dewey's, mentioned in my letter to Dr. Sewall, has been made known to Mr. Thurston. Why this was necessarily made known to him as you state, I do not know; but I had no doubt of the truth of Dr. Dewey's statement, nor indeed can I have now although you say Mr. Thurston denies it. If Mr. Thurston does deny it, the probability is that he has forgotten the conversation. It did strike me with surprise, as it did Dr. Dewey, that a gentleman should offer to *one* physician the facility of obtaining and dissecting dead bodies, as an inducement for him to settle in his parish, and persecute *another* physician with unremitted zeal for the same thing, even before any adequate evidence was obtained of the fact. But men, even good men, often act inconsistently; and it may be argued in Mr. Thurston's favor, that he has had time to change his views upon this subject, in addition to his having forgotten the conversation. We are bound to put the most favorable construction upon the whole of his conduct. Whether Dewey may think it worth while to give an affidavit in confirmation of his statement, I do not know—nor does it particularly interest me to know; but I presume he will never deny any thing I have stated. I am of opinion, that no one who is acquainted with me, will charge me with falsehood or misrepresentation in this thing; should this, however, be the case, I shall be ready, when legally called upon, to make oath to the statement which I mentioned in my letter to Dr. Sewall, as coming from Dr. Dewey. If you wish for an affidavit, perhaps your best way is to write to Dr. Dewey for it. This business you can accom-

plish as well as it is in my power to do. He lives in Lancaster, N. H. seventy miles from this place, and is very seldom here. About the time I wrote to Dr. Sewall, he passed through this town, on his return homeward from a long journey; he will probably not be again in Hanover for many months — I hope that you will be able to make a speedy and amicable adjustment of this affair. Your's, &c. R. D. MUSSEY.

Mr. TYLER PARSONS.

I here remark, that Doct. Mussey believes, as in his letter, that Thurston did advise Doct. Dewey, as Dewey had told him, although Thurston, as he says, denies it. Mussey further says that he is ready to testify to the truth of what Dewey told him. You will see that Mussey makes this statement, in order that Thurston may call up Doct. Dewey if he dare, or wishes. But does Thurston do it? No, he does not. You will see by John Girdler's testimony annexed, that Thurston had the original letter that accused him, and two certified copies taken of it; had he not the original sufficient time to take counsel?—Surely, if Thurston was innocent, it was a base charge; and if he was guilty of such conversation with Doct. Dewey, as is stated by Mussey, and then deny it in the manner he did, he is a base man. The circumstances are so apparent, we did believe *Thurston guilty of this charge.*

I have thus far produced you the report, and in what manner it came to Manchester—as it respects Thurston's advising Doct. Dewey to come to Manchester in 1815.—Thurston has in the most solemn manner denied having any agency in his coming there, either directly or indirectly. If we now show that Thurston had an agency in getting Dewey to Manchester, then the third charge I believe you will say, is supported to all intents and purposes. In the first place, Doct Dewey came to Manchester in 1815, with letters of introduction to Capt. Burgess and others; he soon found Thurston out. Thurston immediately waits on Doct. Dewey—to Maj. Burley Smith, and elsewhere, recommending Dewey as a man of the first talents, &c. How came he so well acquainted with Doct. Dewey in a moment? Did Thurston not tell Mrs. Allen, the wife of Capt. John W. Allen, a short time before Dewey came to Manchester, that there was a physician on his way to this town—(see Girdler's testimony annexed.) Thurston being at variance with Doct. Grosvenor at this time, as you will see by Smith's testimony the 15th of February, given at the school-house. Now look at the testimony of Burgess annexed, and the testimony of Doct. Dewey, dated March 13th, 1820.—There Dewey says he has an impression that Thurston did *know* of his going to Manchester, before he went there, and that Thurston had an *agency* in relation to his going there, although he has *by letter*, requested me (says Dewey,) to give a *statement* or *certifi-*

*cate* to the contrary—or requested me to *certify* what I think he, *Thurston*, must have *known* to be *false*.

I ask the reader if the third charge is not supported. Examine the testimony of Mussey, of Dewey, of Girdler, of Burgess, and the circumstances I believe you will say is sufficient and more than sufficient. Will not the circumstance of Thurston's requesting Dewey to give him *a false statement or certificate*, be sufficient to induce any one to believe that he will do any thing to get up *false* papers, to acquit him from any charge he may have been guilty of; as the truth is, we the disaffected were satisfied of the *guilt* of *Thurston*, by all the circumstances, independent of the testimony of Doct. Mussey, or Doct. Dewey.

I now wish the reader to look at all the circumstances attending Smith's testimony at the school-house, the 15th of February, in support of the *fourth charge*—of slandering the inhabitants of Manchester. Look at the town-meeting of January 20th, 1819, and the circumstances attending it, in support of the *fifth charge*. Look at the meeting of February 15th, 1819, and see the charges Thurston preferred against himself, and of his subsequent conduct, and then judge if the *sixth charge* is not supported. Look at the testimony of *Girdler*, *Amnoble* and *Burgess*, in support of the *seventh charge*, together with all the circumstances attending. Look at Burgess's testimony in support of the *eighth charge*—viz. the *false letter business;* see the circumstance of Capt. Martin's going to get a copy of it—my going with Deacon Bingham and others. I say look at all the circumstances, all the depositions that relate to it; then take the fact as in Doct. Dewey's deposition, where he says that he has not *written James Thurston any letter, or signed any letter, &c.*—refer to his deposition in support of the eighth charge..

(No. 8.)

*To the Selectmen of Manchester.*

GENTLEMEN—This is to request you to call a legal meeting of the Inhabitants of this Town as soon as you conveniently can, for them when together and duly organized, to receive a communication from me, as their Minister, and to act thereon, as their wisdom shall direct.

*January* 13, 1819. Yours, J. T.

*A true Copy—Attest,* SAMUEL DANA, *Scribe of the Council.*

It will be necessary to make some remarks on all these meetings, for the purpose of explaining the understanding we the seceders had of them at that time. You will see this *extraordinary petition* to the town, communicates nothing, as it appears. The whole town was assembled—Thurston then wants a committee, as he says, to enquire into certain reports He is not ready to tell what reports—neither does he say who he wanted on that com-

mittee, although we could easily judge. We then supposed that Thurston intended to get a *select committee*, and produce some kind of letters or papers before them, such as he saw fit, and they report their opinion to the town at some future meeting, in order to crush the whole truth. You will see that he wrote a letter to Doct. Dewey the day after this petition is written; there you will see what he wanted—an *honorable letter* to lay before the committee. It seems he felt sure of getting this committee. In that case you will see he was disappointed in such a committee as he probably wished for—(refer to the meeting of the 20th Jan.) Dewey perfectly understood what Thurston meant by this *honorable letter*, therefore he declined giving Thurston *any letter at all*—Thurston threatening him in his letter to the contrary notwithstanding. You will recollect that Dewey says in his deposition, that Thurston had requested him in some other case, to give a statement—such a one as Thurston must have known to be false. Here follows Thurston's letter to Dewey.

(No. 9.)

*Manchester, Jan. 14*, 1819.

DEAR SIR—I wrote you the fourth of last month respecting the very unhappy situation I was brought into, by reason of certain reports said to come from you—and which have been made use of to convey the idea it was bartering away the dead bodies of my people to induce your continuance in Manchester. My people are *apprised* that I have written to you in full expectation that you would counteract those reports, and they are much disappointed that I have had no answer from you. A warrant is now going up for a town meeting, to choose a *Committee*, in consequence of the difficulties which have arisen *entirely from this source* if I can obtain *an honourable letter* from you to lay before the *Committee*, our difficulties will, I doubt not, come to a happy termination; but if not, *painful consequences* must ensue both to *you* and *myself*. How can you reconcile the thought of being the instrument of pouring disgrace upon me, and driving me from my people all which might be prevented by your seasonably complying with my most just and reasonable request. Dear sir, I cannot think you will fail to forward me a *letter* by the mail, without further delay.

I again subscribe myself your afflicted friend,

JAMES THURSTON.

This may certify, that the foregoing is a true copy of a letter in my possession, received per mail from the Rev. James Thurston.

Lancaster, N. H. March 13, 1820. JOHN DEWEY.

I supposed that Thurston called the letter he *predicted he should* have, an honorable letter, to lay before this meeting coming. Would he have dared to have laid such a letter as he circulated in Manchester before the town? 'Tis possible he might have presented it to such a committee as he probably expected to get, agreeable to his communication. Here he states to Dewey, that his

difficulties have arisen *entirely from this source ;* but if he can get an *honorable letter* to lay before the committee, &c.—(Reference to Thurston's letter.) Here follows the meeting agreeable to the petition.

(No. 10.)

At a town meeting legally notified and held at the Meeting-House in Manchester, on Wednesday the 20th day of January, 1819, to receive a communication from the Rev. James Thurston—First chosen, Maj. ISRAEL FOSTER, Moderator—Secondly, voted to choose a committee to receive Mr. Thurston's communication. to consist of three, viz: Nehemiah Goldsmith, Dea.c. Nathan Allen, Joseph Hooper.

Accordingly this committee waited on Mr. Thurston, who accompanied them to the meeting-house, where the inhabitants were assembled—full house. Thurston came forward and delivered his message as follows :

(No. 11.)

*To the Inhabitants of Manchester, now convened in Town Meeting :*

GENTLEMEN—Whereas certain reports are in circulation, injurious to my moral and religious character, as your minister, and which greatly disturb the peace and happiness of the town—I hereby express my desire, that a committee may be chosen by the town to enquire into those reports, and to take such measures relative thereto as they may think proper—and then to make report of their doings as their wisdom shall direct. I am. gentlemen, respectfully your's, JAMES THURSTON.

*Manchester, Jan* 20, 1819.

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

Thurston having read his message, a motion was soon called for to grant the request of Thurston, viz. a committee. Considerable debate took place ; it was argued on the part of Thurston, that there was the utmost propriety of granting him a committee to hear his complaints, without his being obliged to name the complaints to the town, or reports as Thurston called them ; and if they the committee thought adviseable, to report at some future time, &c. On the other side it was urged that Thurston had assembled this town together as they expected by his petition to hear something from him in relation to certain reports as in his communication ; and that the town were assembled and ready to hear what Thurston had to say, and that it was expedient that the whole town should know what these reports were, that Mr. Thurston's moral and ministerial character were injured by them, as Thurston said ; and if they did not prove true, we ought as a town to have him acquitted ; and if there was such reports as has been intimated, and are true, as we do believe they are, he ought to be dismissed. In reply on the part of Thurston, it was contended for to choose a committee for Thurston agreeable to his communication. A committee of three was named ; before the vote was called for, the whole house was named as committee—confusion. Finding the house divided, and should

not be able to accomplish any thing, Mr. Thurston stated, if the town would grant him a committee to meet at any future time, they may then in town meeting agree on, that he would then be ready to make his statements, and to answer to any question that may be put to him, &c. He was replied to, we are now ready to ask you certain questions in relation to certain reports that we have heard respecting you and your doings, and you, if innocent, can answer to us; and this is a proper time; you have called us here for that purpose, as we expected; and according to all rules you should be ready. 'Tis for us to complain of not being ready, if any one, as we do not know precisely what your reports are. Reply from the other side—Let there be a committee chosen to meet on a certain time, say 15th of February next, to hear all the reports from Mr. Thurston, or any one else against him, and let this committee report at March meeting next, their doings. Agreed to with this proviso, that the meeting should be an open town meeting. Agreed to, with this proviso, that if any man was chosen on the committee that intended to present any charges against Thurston, he should then and there be taken off the committee. Thurston declared that *he would be willing to be sifted like wheat*, and that every man, woman and child, should know the *character* of *your Minister*, and that they would *love him ten times as much as ever*. I condescend to use this Thurston's declaration in his own flat language for the sake of precision. Proceeded then to choose a committee. Voted the committee consist of seven. Voted to add eight to the committee. Voted committee, Henry Story, Richard Allen, David Colley, John Allen, Thomas Leach, Andrew Martin, Dea. D. L. Bingham, Abiall Burgess, Israel Foster, Wm. Fisk, Samuel M. Williams, Nathan Allen, Ebenezer Tappan, Stephen Smith, John Knight. Then voted that the committee meet the 3d Monday of February next at 9 o'clock, at the school-house; the committee to sit at their own expense.

*True Copy of Record,* D. L. BINGHAM, *Town Clerk.*

The reader will not forget that Thurston has at this time pledged himself, that is, to use his own words, to be sifted like wheat, at the meeting of the 15th of February next. I will here remark, at this time there is a large majority of the committee on the part of supposing Thurston innocent, as we had reason to suppose from their actions. Thurston was *indefatigable* in the mean time to exclaim and give us to understand that he was innocent in relation to what he supposed was going to be prefered against him. This memorable day of 15th February arrives; the committee assembled; much excitement; full house; close doors by committee; half house; then open doors; the people assembled; committee organized; chose Major Israel Foster Moderator, Samuel M. Williams Clerk. Mr. Thurston appeared and addressed the Moderator, stating that there was reports in circulation injurious to his moral and ministerial character, and requested to have the liberty to state them. He then said that he should be willing to have any charge preferred against him providing

they could be supported agreeable to the law of GOD. He then by leave of the Moderator read from *the Bible the 15th verse of the 19th of Deuteronomy*, that is, you will render by the mouth of *two or three witnesses* all things shall be established. Here some debate took place; it was considered a violation of the agreement, when this meeting was proposed, we were then informed by Henry Story a leader in this committee, addressed to the Moderator, that the committee had come to this conclusion, to have two good evidences to support any charge against Thurston. This inference was then drawn, if any charge was preferred against Thurston, and supported by one evidence, and corroborated by a thousand circumstances, so apparent that every man in the house was morally bound *to believe it*, and actually *did believe it*, and for the want of the other *positive evidence*, the committee are bound to say that they do not believe him guilty of the charge preferred. I ask isthis doing as you would like to be done by, in order to obtain justice? And on the part of Thurston, does this look like being willing to *be sifted like wheat?* However, we were in Providence prepared to *sift him* a little closer than he perhaps supposed, by his *Deuteronomy rules*. We informed the Moderator we were ready to comply with these rules, though we considered them a deviation from the rules agreed on in town meeting of the 20th of January. Capt. A. Martin replied he thought that the best way was to have every thing brought forward, and hear all, and give it what weight it required. I would remark here, if they had done that, it would have saved this town some thousands of dollars in my opinion, and the truth in all its unvarnished state would have appeared there; justice and truth would have embraced each other.

I proceed to observe, that Mr. Thurston came forward with his report; he then and there stated that it was reported that he, said *Thurston* was 1st. *Guilty of fornication.* 2d. He was said to be guilty of being often with *the women and girls.* 3d. That *he had got one girl with child.* 4th. That he was guilty of taking a *bundle of shingles* from the school house in a *clandestine and fraudulent manner.* 5th. He was guilty of encouraging a certain physician, John Dewey, to tarry in the town of Manchester, stating it to be a good place to carry on private *dissections.*

These reports and charges Mr. Thurston produces, you will observe, against himself; pretending that he should prove himself innocent. It was to be expected that Thurston would have produced some evidence in order to acquit him, as he produced all the *specific charges.* The committee inquired if any one had any charge to prefer against Thurston. Yes was the answer. Can they be supported by two good evidences? Yes, replied half a

dozen evidences. It was further remarked as it respects the reports of Thurston brought against himself, viz. three first charges, &c. never had been a subject of litigation either in church or town. to our knowledge ; as it respects the other charges, we presume it can be proved to the satisfaction of this committee, that Mr. Thurston took a bundle of shingles from the school house in an ungentleman like manner. As it regards the last charge that Thurston produces, viz. his advising Doctor Dewey to tarry in Manchester for the purpose of private dissection, no doubt, it is believed by many, and probably will prove true eventually. But for the purpose of showing this last charge is true, we must prove what led to it—and we are now ready to proceed to prefer one charge against Thurston, and endeavor to prove the charge as follows accusation marked No. 1.

Accusation against James Thurston, for wickedly maliciously, and impiously, without just cause or provocation, contrary to the laws of God and man, did, in the presence of witness, in a violent manner assert, and slanderously report, in the Town of Manchester, as a covetous, malicious, and Indian sett of people ; thereby giving a full exhibition of his disposition, his malice, and his hypocrisy, injurious to the peace, the character, and the intent of the inhabitants of Manchester.

*Manchester, February* 15.

Therefore, the subscriber requests this respectful committee, to enquire into the above named wicked, malicious and impious slander.—and report their judgment accordingly, for further investigation, if necessary.

Signed, TYLER PARSONS.

This charge was denied by Thurston. I will here remark, in proving this charge, as here alleged, against Thurston. I prove the fourth charge agreeable to the statement proposed. To proceed—the evidence was called—Major Burley Smith was sworn to tell the truth, the whole truth, and nothing but the truth, in the case now in hearing, &c.

SMITH began by observing, that his testimony was lengthy—and as it was attended with so many circumstances, that it would require patience of the committee to hear all of it ; and as the time was so long since the affair happened, probably something had passed his memory—but the principal of the history was distinctly in his mind. Sometime in the year 1815, (I believe it to have been about the middle of November,) I moved into Manchester out of the country, as many of you know, having been absent from Manchester for some time ; after moving down to Manchester, I began to enquire about the affairs in town. I soon found that Mr. Thurston and Doct. Grosvenor were contending as usual. Not long after I removed to Manchester, Mr. James Thurston came to my house, with a young man, Doct. Dewey, as he introduced him to me, and said that he was from Hanover, N. H. and that he (Dewey) had come to Manchester for the purpose of establishing himself in the line of his profession as Doctor. Mr. Thurston soon left the room. Then Doct. Dewey soon made his business and intentions

known more fully to me; he observed, "that he understood that Doct. Grosvenor our present physician had but little practice in town; and as I have come here for the purpose of settling, I would wish to make some enquiries of you," said Dewey, "respecting my encouragement to settle in Manchester, as a physician." Reply by Smith. "I have been absent from this place about two years in the country, therefore I am not sufficiently acquainted with the situation of Doct. Grosvenor, as it respects his practice in this place, and therefore I must decline giving you an answer at present." Dewey replied, "I have been to the principal men in this town, and have not seen any one that would give me an opinion on this subject; but it is of importance to me, as I should not like to settle in any place, where I could not be useful to myself and society generally." Doct. Dewey inclined to have me give him my opinion in relation to his tarrying in Manchester; as he repeatedly urged the business, I told him that I would consult some of my friends and acquaintance, those that would be likely to be good judges, and would then answer him on that subject—he left my house. After a few days, I made such enquiries, and of such persons as I thought best judges, respecting Doct. Grosvenor's intentions of leaving the town—and I found by enquiry, that Doct. Grosvenor had no intention of leaving town; and that Mr. Thurston and Doct Grosvenor were at variance. I made enquiries of the cause of all this noise between them. I found that the general voice of the people was, that *Mr. Thurston* had interfered with Doct. Grosvenor's medicine and practice among the sick. And further, it was said that Mr. Thurston had been the whole means of advising Doct Dewey to Manchester—Thurston being at war with Grosvenor at that time. This affair became a subject of conversation among us. Mr. Thurston was enquired of respecting his advising Doct. Dewey to Manchester;—he denied it, and said he had no agency in it whatever. We did not believe him, however, although he did deny it—the circumstances at that time warranted the belief, that Thurston did advise him there. Finding that it would be attended with much difficulty for Mr. Thurston and Grosvenor to be at variance in a manner that they were, I resolved to go to the respective parties, and see if some adjustment of the business could be obtained, and advise to a speedy settlement; believing that if the business was not attended to by some one, we should probably lose both physicians Doct. Dewey would not tarry, and Grosvenor perhaps would remove to get rid of the noise

I first called on Doct. Grosvenor, and advised him to settle with Thurston, as Thurston appeared to be intent on hurting him in the line of his profession. Grosvenor said he was willing to settle with Thurston on just and honorable terms. I then went to Thurston, and after some considerable conversation in relation to Doct Dewey's tarrying in Manchester, I mentioned to Thurston, that his character was laboring much, and that he had stood charged *with falsehood*, in relation to Doct. Dewey's coming here; for he had told some persons that a physician was on his way to this town, just before Dewey came. Said I you had better settle your difficulties with Grosvenor. Reply by Thurston, "if Groswenor wishes to settle with me, let him come to me, for I will not run after him." Well, said I, if Dr. Grosvenor will write you on the subject, will you answer it, and point out the way and manner this thing shall be settled? Yes, I will, said Thurston I told him that I would call immediately and make known his communication to Dr. Grosvenor. As I was going out of the door, *Thurston said* to me, you must not let *Grosvenor know* that I have any desire to have the difficulties settled.

Hearing this confirmed more fully in my mind the *character of Thurston*; as many said he was *a bad man* and a *dangerous man* in community; however, I went to Dr. Grosvenor and stated the business to him. He said that he would attend to it. A few days after, I saw Dr. Grosvenor; said I, have you written Thurston yet? Reply he had, but had not received an answer from Thurston. Not long, say ten or twelve days, I saw Mr. Thurston. He told me that Grosvenor had written him at such a time, but that he had not answered him. I replied, I am surprised that you have not attended to this thing before this time. Thurston saw that I believed he had treated this thing with neglect. He further observed that he should consider of it a little longer; finding that Thurston appeared very indifferent about the business, notwithstanding I, as a friend to all parties had taken so much interest as I conceived for public good and private happiness. I then resolved to abandon the pursuit. We parted. I saw Dr. Dewey shortly afterwards, somewhere by Mr. Thurston's dwelling house. It was, if I recollect right, on Saturday in the afternoon. After passing the usual compliments, well, said Doctor Dewey, I presume you have prepared yourself to answer to the questions I proposed to you. Reply, yes, I am: but I had much rather not. I shall depend on your answer according to agreement. Well, said I to Dewey, I think your encouragement in this town as a physician very small; for this reason, that the inhabitants of Manchester are determined to support Dr. Grosvenor. Dr. Dewey thanked me for my candor, and we parted, and Dewey went into Thurston's house. The next day was the Sabbath. I went to meeting expecting to hear Mr. Thurston say something about the business from the desk, as it was his usual way of *implicating* those that did not agree with him in either *civil*, or *religious*, or *political views*. After meeting, Mr. Thurston spoke to me as I was going from the meeting house near by Mr. Henry Lee's, and requested me to go with him to his house; I replied to Thurston that I was not very well, that I had taken cold and could not well call at that time. He said that he had business of importance to mention to me, and if I would not go to his house, he would call down to my house. I then told Mr. Thurston if it was business of great importance, notwithstanding my indisposition, I would call up early in the evening; accordingly I went at early candlelight the same *sabbath eve*—when I arrived at Thurston's house he had company, who soon retired; and Mr. Thurston soon began to speak of Doct. Grosvenor in a very *reproachful manner*. He then turned his conversation respecting Doct. Dewey's settling in Manchester—he spoke of Dewey as a man of the first *medical talents* for his age, and that he was from a good family, and a man of *truth and veracity*, &c. He then said to me, did you tell Dr. Dewey, yesterday, that if he settled here his encouragement was small or nothing? I replied to Thurston, yes, I did, or something to that effect. He then said that Dr. Dewey had told him so the evening before, and that he (Dewey) was going to leave the town in the morning for that reason. Thurston said, instead of helping me, you have ruined me and my family on that account. I immediately arose to come away, when Thurston requested me to stop longer. I answered, you say that I have ruined you and your family—is this the way you mean to treat me for my kindnesses? I have used the best of my endeavors to reconcile you and Doctor Grosvenor to each other; and I have tried to persuade people, that you was not the means of getting Dr. Dewey into this town, as *you have repeatedly said* to me and others, that you never had *any agency* in his coming here, neither did you *know* of his coming here, as you said before he came here. I then

told him, that many people believed he had stated that which he must have *known* at the *time* to have *been false*, about Dewey's coming to Manchester; and my opinion to him was to advise Dr. Dewey to leave town by all means. He then began to *implicate* Dr. Grosvenor, stating him to be a *great cheat*, and that he had cheated Dr. Mussey out of fifty dollars, and defamed Grosvenor in the most base manner it is possible to conceive. I replied to Thurston, if Dr. Grosvenor is such a man as you represent him to be, then you have got the devil in your church. But, notwithstanding what Thurston said about Dr. Grosvernor, I still advised him to settle all his difficulties in the town with Dr. Grosvenor, and all the rest; or I believed he would have to leave the town himself. He then replied, and said, before I will muckle to *Doct. Grosvenor, or any of this people*, I will lose the *last drop* of my *heart's blood*, for you are a *covetous, malicious*, and *Indian set of people*. I then took my leave of him, astonished at his conduct—and for the most part of the time since I have been treated with indifference by Thurston.—I have endeavored to give a statement to you, Mr. Chairman of this Committee, with a strict regard to the truth. There was much more conversation no doubt, but so long since it would be impossible for me to tell every word. As I, at that time, never expected to be called to state any thing that may have been said, neither should I have remembered so much of it, but being treated by Mr. Thurston in such a manner, and his disposition that he shewed me at his house, such *malicious, wicked*, and *impious language* astonished me, coming from a *priest*.

Smith's testimony being finished thus far, Mr. Thurston said that in the afternoon he would be able to do away Smith's evidence. The meeting was accordingly adjourned to one o'clock. The committee met according to adjournment—a full house, to hear Mr. Thurston's evidence. Thurston appeared, and with him two ladies—Miss A. H. (a particular friend) and his daughter Eliza. After being sworn, Miss A. H. was called on the stand, and was asked what she knew about the conversation between Major Smith and Mr. Thurston, at his dwelling-house, at a certain time, Sabbath evening, some time about the month of Dec. 1815.

Reply by Miss A. H. "she did not recollect hearing any thing particular about the conversation, between Major Smith and Mr. Thurston at that time." Quest. "Was you in the room at the time Mr. Thurston slandered us." Answer—"No, I was not." This was the amount of what Miss A. H. said. I believe she spoke the truth—"that she was not in the room at that time"—for Smith testified that the company left the room when Thurston began to talk with him. I will here remark, that Miss A. H. has since said to me, in presence of others, that she did hear Mr. Thurston say about the same as Smith said Thurston stated to him: viz. that we were an Indian set of people, and that he would spill the last drop of his heart's blood before he would knuckle, &c. She thinks this conversation to have been the Tuesday following the time that Smith heard him slander us. So you will see that Thurston was in the habit of using these slanderous speeches.

Miss Eliza Thurston was called on the stand. Quest. "What do you know about the conversation between Major Smith and your father, at such a time." Reply by Eliza—"If I can be indulged with hearing what Major Smith has said, as coming from my father, I can then tell whether my father said it or not." This liberty was allowed her. It was then stated to her what Smith had said, as coming from her father; that we were a *covetous*

*malicious, and Indian set of people, &c.* Quest. "Did you hear such conversation." Reply by Eliza—"no I did not" Mr. Thurston asked leave to enquire of Eliza—granted "Eliza, did you not hear *Major Smith say, if I had got Doct. Grosvenor in my church, I had got the Devil there?*" "*O yes.* I heard that." I then enquired of Eliza, if she was in the room at the time that her father said we were a covetous, malicious, and Indian set of people. Reply by Eliza—"I was there *just before* and *just afterwards.*" Question to Eliza by Smith—"What was your father saying about Doctor Grosvenor, which led me to reply that you have the devil in your church?" Reply by Eliza—"I do not recollect any thing more" Smith was then called on the stand, and stated the conversation that Thurston had at that time, viz. Thurston was *defaming Grosvenor* in the most base light that is possible to conceive of; he said that he was a *cheat, and cheated Doct Mussey out of fifty dollars* and that he had *cheated him*, and he represented Grosvenor as a man of the worst character. I then replied, if so, then you have the devil in your church Smith then said if Mr. Thurston will be put *on oath*, and come on the stand, and *deny* what I have stated, I will take it on myself. No reply to Smith by Thurston. Thurston then observed to the moderator, if there was not already sufficient evidence to prove his innocence, he could produce a plenty for, said Thurston, *Mrs. Thurston* is at hand, (meaning in Capt Burgess's house opposite.) *Henry Story*, (a leader in Thurston's cause) said to the moderator, that Mrs. Thurston was good evidence It was then said on the other side, if Thurston's wife was to be admitted as evidence, we presumed all our wives would be admitted. Then, said Story, we do not want wife's here as evidence. The question was then asked by Story, "is there any more charges against Thurston that can be supported by two good evidences?" The answer was 'yes,' by half a dozen of evidences. Thurston then said that he did not expect to have charges brought against him there, by a *church member;* and that he would not submit to be tried by this committee; he said he would be tried by an ecclesiastical tribunal; he said he had got more on him than he could *bear.* This meeting was then adjourned to meet previous to the March meeting, to which this committee was to make a report of their opinion. They accordingly met, and agreed not to report any thing respecting the business.

Here all this great meeting that Thurston had got up, where he said he would be ready to be *sifted like wheat*, ended. I ask the candid reader how this committee would have reported, if they had reported without the least *partiality!* Would they not have said *unanimously*, that Thurston was guilty, as stated by Smith? I will now review this trial. In the first place, this trial of Thurston's was agreed on *mutually by Thurston and his friends, and those that did believe Thurston to be a bad man*, and not fit to hold the office of a minister of Christ Agreed on, as you will see by looking at the town-meeting of Jan. 20th, prefixed; then Thurston pledged himself to be ready to be *sifted like wheat, &c.* Then it was agreed that all persons should have liberty to prefer any charge they pleased, and in the manner they chose; and the committee was to judge of the whole, and give such a report as they saw fit.

Was this the course this committee took? I presume the reader will say not. What was the course they took; was it not the rule of the ancients, in an *unenlightened* age of the world—the *laws of Deuteronomy 19th chapter:* such as all the civilized world has

long since abandoned? Is it practised at this day any where? What man is safe by this rule. For example—*one neighbor rises up and slays his next neighbor; the third sees the whole transaction; but for the want of one more to see this murder perpetrated, the man that committed the horrid deed, is to be considered innocent; his slaying his neighbor to the contrary notwithstanding.* 'Tell it it not in *Gath*, and *publish* it not in *Askelon*,' for the purpose of having it *believed*, that such a rule can *possibly* be *right* In the 2d place, did not Thurston have every indulgence that a majority of friends could give him? Did he not have them of his own household as evidence, his own daughter, and Miss A. H. she a special friend, being long acquainted in the family, having strong attachments to those of her sex in Mr. Thurston's family? And what does she tell you. Does she not say as every person of truth would have said—that she was not in the room at the time Major Smith was there, at Thurston's; and that is the reason why she did not hear what was said by Thurston at that time—therefore her evidence was nothing in this case. Was Eliza in the room at the time that her father spoke these unchristian-like words, as Smith said he did? She says under oath that she was not; and Smith says that the company left the room when he went there, or soon after;—therefore, I conclude she did not distinctly hear all the conversation between her father and Smith; and Miss A. H. heard none of it—notwithstanding she says she was in the room *just before* her father spoke the words, and *just afterwards*. I now ask the reader to judge whether she did probably hear or not. She further says, when asked by her father if she did not hear Major Smith say at that time, if he had Doct. Grosvenor in his church, he had got the *devil there*. *O yes*, she said, that she heard that; when asked if she heard any thing else, *no she said, she did not*. It appears by her account, that she had completely forgotten the conversation that led Smith to make this remark to her father, when her father was, as Smith says, defaming Grosvenor in the most *shameful manner possible to conceive of*. I ask, under such circumstances, has she given any *evidence* in favor of her father? If not, then has she not given a most *decided evidence* in favor of *Smith's testimony against her father;* for she does say, that she was there *just before* and *just afterwards*—that is, as I understand her, just after the *words* that Smith *swore* her *father* said were spoken; of course, she must have known when they were *spoken*. This you will recollect is all the evidence produced by Thurston against the charge of slandering the inhabitants of Manchester, as sworn to by Smith on the 15th of February. Am I not warranted to believe, that Thurston was guilty of that conversation, as stated by Smith;—*I did then believe it*, and do *now believe it*. Thurston then had liberty granted him by the committee, to stop and not proceed any further. Had we not a just right to expect this committee to proceed in the examination of Thurston. This was the second time he had called the town together for this purpose, to enquire into certain reports; here we only enquired into one report. What does Thurston do next? He writes a line to the chairman of that committee, and then seems to fear that an unfavorable impression is made on some minds; as though he was afraid to have the truth come to light. He then pledges himself *again*, that he will meet the charges against him. Did he not well know that this com-

mittee as favorable as they were to him, they would not be *trampled* on and *trifled* with in this manner.

I submit all my remarks to the candid and impartial reader. My object has been in the examination of all these transactions, and shall be as far as is in my power, to explain the proceedings as I then understood them, having a due regard to the truth in my remarks. I refer the reader to the testimony of Samuel M. Williams annexed, he being clerk of this meeting, of the 15th of February, and of course is perfectly acquainted with all the proceedings. I could multiply testimony, but I suppose it is not necessary; all these meetings were public, as you will see,—and by carefully perusing them, you may become as well acquainted with all the transactions as I am. Here follows Thurston's request to the chairman.

(No. 12.)

*To Maj. ISRAEL FOSTER, Chairman of the Committee, chosen by the town, to enquire into certain reports, &c.*

SIR—Whereas it seems that my unwillingness to admit certain *charges*, which were offered to the committee by a number of the church, and to reply to the same, without having been previously made acquainted with them, has made an unfavourable impression on the minds of many, as though I was afraid to have my conduct examined, and the truth come to light; notwithstanding, I see no cause to alter my sentiments with respect to the impropriety of such proceedings; yet, under existing circumstances, and to have it known that I am not disposed to evade an enquiry into my conduct, upon fair principles—I do now, after further consideration, offer to meet those charges, and answer to them before the committee, provided that you, sir, will obtain a copy of them, and furnish me with the same before the time arrives for the committee to meet again according to their adjournment.

I am, sir, respectfully your's,

*Manchester, Feb.* 24, 1819. JAMES THURSTON.

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

I remark here that Thurston's statement to Major Foster is as he, Thurston, says he is ready to answer, not to *be sifted like wheat*, as in his former statement; this answering, you will observe, has got a proviso, that is, if Major Foster will get him a copy of the charges; he must have well known that the chairman would not trouble himself about the charges; and if he did, he could not have obtained them, and therefore he, Thurston, should escape the scrutiny of this committee. Perhaps you may enquire why this committee did not make a report of their proceedings? I cannot tell you. I did then suppose that they were acquainted of the circumstances of Thurston's pretences of having a letter soon, in order to acquit him from the charge of the dissecting business, as in Mussey's letter to Sewall; and I supposed the committee considered that one of the leading charges against Thurston; and of course, if they reported they had nothing more to report than to say, I presume as every other man in the community will say in that case, that Thurston was guilty of slandering the inhabitants of Manchester, as stated by Smith. I submit my remark with candor to the public on that head, and proceed to observe, that March meeting arrived the eighth day of March. At 8 o'clock A. M. chose our officers, and transacted other business as usual. The article came up in the warrant to raise money for the salary of Thurston; here was considerable

debate. It was urged in favor of voting the money as usual for Thurston's salary, as we could not avoid it, we had agreed to pay him a certain sum, and that yearly, and that would have to be done at all events, until such times as he was dismissed, longer or shorter the term of time. It was stated on the other side, that Thurston's salary was on certain conditions; and those conditions were, that he, Thurston, was to perform certain duties, viz. He had agreed to be a teacher of piety, morality and virtue—and that he had ceased to perform those duties, but stood charged of slandering the inhabitants of Manchester, as appeared by Smith's testimony of the 15th of February; and that he stood charged of the advice to Dewey, as in Dr. Mussey's letter to Sewall; and that the dissaffection was so great, that it was not proper to vote it for Thurston; for it might end in a division, and of course be attended with bad consequences, &c. On the other side, it was said that Thurston would recover his salary as long as he attended to his parochial duties. Reply—If slandering of the inhabitants, and other unchristian like conduct, was considered parochial duties, then Thurston had amply fulfilled them, and ought to have his salary. The vote was at length called for; the house divided, and counted a small majority to raise the money; and some of them voted on the principle of having the gospel preached, and not because they wished *Thurston* to have it, for they were decidedly against Thurston's receiving it; for the truth of this remark, Capt. John Lee voted for it, he being opposed to voting money for Thurston. This circumstance of voting Thurston's salary produced the expected result; that is, served to make party interests, some hard sayings on both sides, alienated the affections, and produced ill blood.

About these days, this *famous letter, so long predicted by Thurston*, made its appearance—it came by mail. I will remark here, for the reader to trace this *letter*, if he can, with me. It has many serpentine appearances, and though it was sweet in the mouth of Thurston when it first arrived, I think it must before this be bitter in his belly. This unaccountable *letter* so much dependance was placed on, even months before it came; it was directed to the Rev. James Thurston, of Manchester. I was informed by them that saw it, that it was dated about the latter part of January, 1819, about, as I suppose, a month or five weeks before it arrived at Manchester. I was informed that it was put into the post office in the state of Vermont, about 30 or 40 miles from where the man lives that the letter is said to come from, viz. Dr. John Dewey of Lancaster, New Hampshire; *this letter* from Dr. Dewey, as Thurston stated, was to acquit him, Thurston, from the gross charge of dissection business, as has been proved, I presume, to the satisfaction of every man, in charge the third prefixed. Mr. Thurston was much elated when this *letter* got here; he was congratulated by his friends, and some of those that he, said Thurston, considered his enemies, particularly Captain Richard Allen. Thurston gave Captain Allen intimation of his receiving such a letter from Dr. Dewey to exonerate him from the base charge as in Mussey's letter to Sewall. Capt. Allen observed to Thurston that he must feel very happy in receiving such a letter under such circumstances, &c. This *letter* was circulated among his friends with astonishing rapidity. The noise of it was

like the noise of many waters. I believe it was read in Mr. Ebenezer Tappan's store. Captain Andrew Marsters told me he read it in his house, as I understood him. Capt. A. Burgess read it. I believe this *strange letter* did not make its appearance among the disaffected part of the community, except in one or two instances. Capt. Andrew Marsters came to me and enquired if I had seen Mr. Thurston's letter. I replied, no, I have not; but I should like to see it. I observed to him, from what I had heard of it, the manner of expression in said letter had made some suspicions in my mind of its being false; and one other circumstance in my mind to suppose it a false letter was, that it was not handed round among Thurston's enemies, as Thurston called them. Capt. Marsters said that he had read it. I then observed to Capt. Marsters that if Thurston had got a letter from Dr John Dewey, exonerating him from that gross charge, stated in Mussey's letter to Sewall, and that I could be reasonably satisfied of it, that I presume I could do as much and would do as much as any man to acquit him. The more I thought of the circumstances of such a letter coming agreeable to Thurston's predictions, the circumstance of his not letting that letter come among the disaffected—the curious circumstance of Thurston pretending to go into the country to see Dewey, when he, Thurston, wore down three horses, as in John Girdle's testimony—the circumstance of this letter being mail'd in Vermont, at a distance from Dr. Dewey's place of residence—the circumstance of Thurston denying that he had any agency in getting Dr. Dewy to Manchester—his denying the testimony of Smith—the manner he adopted to get clear of Smith's testimony—the universal habits of his prevaricating with the church—and in short the whole of his conduct in Manchester for years as it respects our difficulties, induced me to believe that this was a downright false letter got up as I believed, for the express purpose of exonerating Thurston from the base charge of dissecting business, that I then believed and do believe him guilty of, as stated by Mussey in his letter to Dr. Sewall. The friends of Thurston still upbraided me with my unbelief, and in order to convince Capt. Marsters. I proposed that he should go to Thurston and get the letter for me to peruse; and if he told Thurston of my intentions, he could not obtain the letter or a copy of it. Capt. Marsters was some surprised, as I suppose, at my remarks. I believe I proposed to give him ten dollars for the letter or a certified copy of it. Capt. Marsters called on Thurston, as he informed me, for the purpose of getting the letter or a copy, but was denied by Thurston. On his return, I made enquiry of him of the success he met with. He said that Thurston would not let him have it. I then asked him his opinion; he said he thought pretty much as I did about it, when I read the letter to Marsters. I thus was not so fully satisfied as I should like to have been; it now appears to me to be a false letter. Well said I to Marsters, there is a way to know; if Doct. Dewey is an honest man, he will testify whether he has written Thurston such a letter or not. The above is as near the conversation with Capt. Marsters as I can recollect. For the better satisfaction of this business, I, with others, the committee of the church called on Mr. Thurston, to inform him that the opinion of the church was, that his usefulness was at an end in this town; and to advise him to

ask a dismission. He replied, that God had got a great work for him to do in this place, &c. We also informed Thurston that we understood that he had a letter from Dr. Dewey to exonerate him from the charge in Mussey's letter to Sewall; Thurston replied, that he had, and that he understood, that I had said that I would do as much as any man to acquit him. I replied that I had said something to that effect.

I then asked Thurston for the letter. Thurston then produced me a letter written by Dr. Dewey, as I believe in the year 1817. I perused it, and remarked to Thurston, that I wished to see the letter that he had recently received as purporting to have come from Dr. Dewey. He then produced this letter that he had shown around among his friends, as I supposed. I perused it, and read it in presence of Deacon Bingham, and Mr. Henry Lee and other church members. I was satisfied that it was not written by Dr. Dewey; the hand I supposed to resemble the hand writing of some young woman that I had seen. The signature was intended to represent Dr. Dewey's signature I then asked Mr. Thurston if he would say before the brethren that that letter I held in my hand was written by Dr. Dewey? Thurston, after some apparent hesitation, said he did not think that Dr. Dewey wrote it, but he thought that Dr. Dewey signed it; or, in other words, that the signature looked like Dr. Dewey's, being fully satisfied of its being a false letter, and that Thurston, we believe, did know it to be a false letter. We came from Thurston's, and resolved to lay the whole business before the town. By this time, the church members, a large majority, were determined not to put up with such impositions from Thurston. They accordingly called a church meeting at the school house on the 29th of March.

I will here remark, in support of our beliefs of the fifth charge—you will see that Thurston called a town meeting, no one could tell for what, by his petition; but when his communication appeared, it seems he wanted a committee as his communication expressed. Now let the reader look into the doings and reasonings of that meeting, and say whether our beliefs was or was not well founded. You will keep in mind that Thurston may safely at that time have supposed that he had a majority at town meeting to effect his wishes. In support of the sixth charge that was believed, you will see, that Thurston came forward and accused himself with base and unwarranted charges, such as no one, I presume, ever believed. In Manchester, he said Thurston never had been called to answer to my knowledge to the three first charges of fornication, often with the women and girls, and had got one girl with child. Then I ask if he, Thurston, never had been accused of these charges by the church, or town, as such—Did he not produce them for the express purpose of preventing the gross charges that he was guilty of from coming to light? To judge of this as we did at the time you are under the necessity of tracing his whole proceedings. Thurston being disappointed at this meeting, the 20th of January, and more so, I presume, at the meeting of the 15th February. Thurston you will remember, headed his charges with these base statements, knowing if any one attempted to prove them, they must fail, and by that time the committee would be led to believe there was no truth in any of them, and he should probably escape with impunity. This was our be-

lief; but what was the fact? We began at the other end of the case, in order to show what led him to this disgraceful situation, as you will see by the Smith testimony. I here will enquire if our sixth charge was well judged of. I proceed to support the seventh charge as being believed by many of us that seceded from Thurston.

1st. Thurston did pretend to go into the country for the purpose of seeing Dr. Dewey, and he pretended on his return that he had seen Dewey. Now look to Girdler's testimony, and Annable's testimony; there he tells Girdler that he was quite worn down and fatigued; and that he had worn down three horses in his journey; and that at some future time he would more fully explain the inquiry by Girdler, respecting his seeing Doct. Dewey. Thurston soon began to predict having a letter more strong than ever. At length this letter arrived as predicted by Thurston; it was a false letter never written nor signed by Dewey, as you will see by Dewey's testimony, dated Lancaster, March 13, 1820. As soon as this letter arrived, we suspected it to be a false letter. There had been so much said about this letter coming before, were we not warranted in believing the seventh charge to be correct under all circumstances.

I now proceed in defence of the eighth charge, as I believe it is well known in Manchester, that Thurston did receive a letter by the mail, said to have come from Dr. John Dewey, of Lancaster, and arrived at Manchester, about the first of March, 1819, agreeable to *Thurston's predictions*—viz. that he should have a letter from Dewey to acquit him from the charges alleged in Mussey's letter to Sewall. Further, you will see by Burgess' testimony, that he (Thurston) did show that letter, and circulated it among his *friends* particularly, to convince them of his innocence in relation to the charge of dissection advice to Dewey. After taking a considerable time to exhibit this famous letter, intimating that it was going to be read in the meeting-house by some of his friends, as was the report, he, said Thurston, declining to let the letter go out of his hands, as you will see by Burgess' testimony, saying to Burgess when he asked for the letter, "No, this people are bent on mischief." And further, when called on by me in presence of Deac. Bingham, Henry Lee and one other church member, he said Thurston said he did not think Dewey wrote it—therefore the said Thurston did circulate this false letter as a true one, in order to acquit him from a disgraceful charge, such as we believed him guilty of according to his own statement.

For the fact to show that this is a false and forged letter by some one, I refer you to the testimony of John Dewey, dated Lancaster, New Hampshire, March 13, 1820. Annexed there, he, Dewey, says, that he has not written Thurston any letter, or forwarded him any letter, neither has he seen Thurston, or had reason to believe that he, said Thurston, had been in that part of the country since 1817. Further Dewey says he has not signed any letter to Thurston since 1817. Dewey further testifies, that James Thurston has by letter requested him to give a statement to certify what he thinks Thurston must have known to be false. And in Dewey's testimony, dated Lancaster, April 20, 1820, annexed, he there confirms the same thing in relation to sending Thurston any letter by way of exculpating Thurston from the

charge as in Mussey's letter to Sewall. As Thurston was not able to obtain of Dewey any letter, statement or certificate of Dewey, either true or false, it was believed by us, the seceders, that this false letter was got up to supply its place.

I here submit our reasons, and the facts that induced us to believe that Thurston was guilty of all the charges—eight, as alleged in our outset.

Notwithstanding we had not the depositions of Dr. Mussey or Dr. Dewey till after we seceded, yet the circumstances were so apparent, we did believe it without them.

(No. 13.)

At a church meeting held at the school-house in Manchester on Monday evening the 29th of March, 1819—chosen moderator, brother *Henry Lee*—chosen clerk, brother *D. L. Bingham*:—After addressing the throne of grace for direction, proceeded to pass the following votes:

1st. Voted, That under the present existing circumstances, it is the opinion of the church, and their duty, to unite with their Pastor, the Rev. *James Thurston*, in calling a mutual ecclesiastical council for advice—provided the town will approve of such a measure.

2d. Voted, That it is the opinion of the church, that Mr. Thurston lay these proceedings before the town, at the adjournment of the town meeting, on Monday the fifth of April next with his determination thereon.

3d. Voted, to choose a committee of five to present these proceedings to the Rev. James Thurston, viz Deac. *D. L. Bingham*, Deac. *Nathan Allen*, Brother *Joseph Hooper*, Brother *Henry Lee*, Brother *Obed Carter*.

4th. Voted, That it is the request of the church, that Mr. Thurston give the result of his determinations to the committee to lay before the church at their next meeting on Friday evening next.

5th. Voted, to adjourn this meeting to Friday evening next, 7 o'clock P. M. to the school-house. A true copy as of record.

Attest, D. L. BINGHAM, *Clerk.*

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

*Remarks.*—In this meeting you will observe, that the church were willing to ask the town's advice, and took the most soft measures, in hopes that Thurston would see his own situation, and make all dispatch in getting his discharge from this people. Joseph Hooper, you will see, is on this committee; he condescended to be the bearer of these despatches to Thurston. I proceed to observe, that a few days after this meeting abovementioned, Thurston sends to the church a communication as follows, viz:

(No. 14.)

*To the brethren of the church of Christ, in Manchester:*

BRETHREN—A communication has been received by me from your committee, containing the votes passed at your meeting held in the school house on the 29th ult. among which is the following, viz. "That under present existing circumstances, it is the opinion of the church, and their duty, to unite with their pastor, the Rev. James Thurston in calling a mutual ecclesiastical council for advice - provided the town will approve of such a measure."

Brethren, after serious and prayerful consideration, I hereby signify my willingness to unite in calling a mutual ecclesiastical council, *in the usual way*—provided the town will concur with the church and their pastor in carrying the same into effect; and provided, that any person or persons, either in the church or society, who have any charges or articles of complaint, which they intend to lay before the council, will furnish me with all their charges and articles of complaint, specifically stated to me in writing, twelve or fourteen days previous to the time of the meeting of the council—that I may have an opportunity to prepare for making my defence. But should no such charges be presented to me as above stated, or alluded to, then that my christian and

ministerial character shall be considered by the church and town as unimpeached. And further, that the council be called not only to give their advice, but to effect a dissolution of my pastoral and ministerial relation in this place, if they shall judge it to be expedient.

I will endeavor to attend to your 2d vote according to the time therein mentioned The request expressed in your 4th vote, I consider as complied with in this communication, I am, brethren, your well wisher and pastor,

*Manchester, April* 3, 1819. JAMES THURSTON.

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

I shall here remark on this paper of Thurston's. as it caused much debate. Joseph Hooper he thought it perfectly reasonable, that Thurston's request, agreeable to his communication, should be granted by the church; reply to Hooper was. that Thurston's demands could not possibly be complied with—for he demands that all persons in the church and society shall give him a specific list of their charges 12 or 14 days before the sitting of the council.—How could this be complied with? what power have we got to compel any one to bring their complaints? and some men, you well know, are averse to councils in every case, and those persons probably will not comply with our doings provided we should agree to it. Then if they do not comply, we have got to say Thurston's character shall stand unimpeached. both in town and society. 2d reason why we ought not to comply with Thurston's communication is. that we have already circumstances and facts enough before us sufficiently to convince all of us. that there is no safety in giving Thurston any paper at all, in his hands. Did not Thurston say in town meeting, that he had a paper with Tyler Parson's name on it, purporting to have settled all difficulties with him, and what was the reply by me at that time? Reply—if you have such a paper it is forged for I have never given you, Thurston, any such paper—and you are a liar. Further, he said Thurston has been justly charged with the grossest charges that it is possible to conceive of—especially of a man who pretends to preach the gospel. The charge of dissection, as in Doct. Mussey to Sewall, and then all the circumstances induces us to believe. that Thurston has got up a false letter, and circulated the same among his friends as a true letter for to exhonerate him from that charge—and now Thurston requests us to comply, or in other words, to enter into an explicit agreement to do such things as he must know is impossible for us to do; and to make every man come forward with his complaint 12 or 14 days at least before the setting of this council—Then he is willing to have a council; no, let the council be on the spot, and we will come forward and hand our papers into the hands of the council, then they may adjourn if they please 12 or 20 days, and I presume we will show him to be a bad man, and ought to be dismissed, and never more pretend to such an office. Here follows the doings and the votes passed at the meeting.

The committee chosen by the church. in order to agree with Mr. Thurston on any mode which they in their wisdom shall think best, respecting the difficulties which exist between the church and Mr. Thurston:

First, Regretting a division in the church, and in order to prevent such division, we are of opinion that Mr. Thurston sincerely declare his views respecting his dismission from this church and people, under the difficulties which now exist.

Secondly, That in the opinion of the committee, it is expedient that Mr. Thurston should ask the town to unite in a mutual council in order to dismiss him from this church and people.

Thirdly, They are further of opinion, that if Mr. Thurston wishes a list of charges, that the church furnish him with the same, and in sufficient time to lay them before the council. *Per order of Committee,*

*Manchester, April 3,* 1819. HENRY LEE, *Chairman.*

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

My remark on these votes—You will see that the church wanted to be satisfied what Thurston's views were in relation to being dismissed. Respecting that, Thurston did not intend to be dismissed at all events; neither would he have been if the church had entered into the agreement he wished for in his communication; for then he would have tied their hands, and shut their mouths, and that by a written agreement. But further—you will see that the church committee thought it expedient that Thurston should unite in a council with the town, in order to dismiss him at all events—and give him a list of charges at that time. Now look at his answer; you will see he says he does not wish the charges produced. In this particular we believed him. Here follows his answer.

*To the Committee of the Church, whereof Brother Henry Lee is Chairman.*

BRETHREN—I consider my communication to the brethren of the Church, dated April 2d, as complying with their vote to unite in calling a mutual Council. As to the provisos, I consider them no other than such as are guaranteed to every person by our wise and excellent Constitution, and the laws of the land; and which must approve themselves to every man's conscience as reasonable and just I therefore feel it my duty, according to my engagements with the church, to proceed in laying before the town the proceedings of the church together with my determinations thereon, for their approbation and concurrence. You mention, as your opinion, that if I wish a list of charges, the church will furnish me with the same. I have made no such proposal, neither do I wish it. If any individuals have charges which they intend to bring forward the way is open for them on the terms proposed I am, brethren, your well wisher and pastor,

*Manchester, April* 5, 1819. JAMES THURSTON.

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

*Remarks on Thurston's reply*—Now Thurston begins to tell us of the constitution, and the laws of our land. &c. I do not know of any part of our constitution that requires us to surrender all our papers to our antagonist; nor do I now recollect that the laws of our land require us to give an antagonist a specific list of charges, and of all the persons we are going to prove them by, twelve or fourteen days beforehand. And at last, Thurston says the way is open in the way proposed; that is, Thurston refuses to have any thing to do in respect to calling a council, without having this specific list of all the charges, both in the church and town, presented him twelve or fourteen days before the setting of the council. The reader will bear this statement in mind, and mark the difference after we have seceded from the society—then 'tis all peace and harmony, both church and town complies with his request, whatever it may be. I refer you to their doings of the 15th day of May, 1819. That days work is what Thurston now comes and claims in his memorial—the privilege of considering himself under pay as their minister, and that he is now willing to refer his claims to men, &c. rather than resort to law. Reference to Thurston's memorial presented September 12th, 1821, at the installation of Rev. Samuel M. Emerson, in Manchester. Here follows a note from Thurston to the church, on the morning of the day of adjournment of March meeting, and the memorable day of seceding.

*To the Inhabitants of the Town of Manchester, now convened in Town Meeting.*

MR. MODERATOR, AND GENTLEMEN OF THE TOWN,

Agreeably to my engagements with the church. I hereby lay before you the enclosed proceedings of the church, at their meeting held in the school house, the 29th of last month, together with my reply to those proceedings, which I consider as a full compliance with their proposal for calling a mutual council. Gentlemen. I trust you will consider the provisos contained in my reply, as no other than such as are guaranteed to every person by our wise and excellent constitution, and the laws of the land, and such as must approve themselves to every man's conscience, as reasonable and just. These proceedings are now submitted with the hope and desire that the candor and goodness of the town will lead them to approve and concur with the same.

I am, sir, and gentlemen, with due respect your friend and pastor,

*April* 5, 1819. J. T.

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

I remark that Thurston in reply to ours of 29th March, says, he did not know that he was at war with the church. Let him look back to June 13th, 1817—see the state of the war at that time—15th of February, 1819; and in short, look back ten or twelve years. Let the candid reader look and say, if there has not been a perpetual war; but a very small portion of the time any cessation of arms. Look at the time that Doct. Dewey was at Manchester, when counselling Dewey, as Mussey says in his letter to Sewall. That is what I call being at war with our bodies after the soul has departed. Look to the memorable Lord's day eve, when that degrading language came from his lips in 1815—(reference to Smith's testimony Feb. 15, 1819.) Look at that meeting, and all the rest of the meetings, and judge whether it is war or peace. Then to crown the whole, look at the meeting of the 5th of April 1819; there you will see he cautions us, lest we should expose ourselves to the displeasure of God, and then says, brethren, your well wisher, &c. The most that astonishes me is, that he dares to take the name of God on his lips,—except it be to exclaim, 'God be merciful to me a sinner.' I proceed to remark, that the town is now assembled—their business respecting the March meeting being transacted, Thurston presents the following, in order to show his friends how he went on in the church—perhaps expecting at this time to get a majority, and thus bear down all opposition.

*To the Brethren of the Church of Christ in Manchester.*

BRETHREN—In my reply to your vote of the 29th ult. I considered myself engaged to unite with the church in calling a mutual council. Nothing was mentioned in your communication of the church having any charges against me to lay before a council and I have no reason to think that as a body the church had any such charges. I have supposed that individuals, both in church and society, might have whereof they intended to accuse me. But that the church, as a body, were at war with their pastor, is what I had no reason to believe, nor do I now believe it. I therefore, as your pastor, feel myself solemnly bound to caution you, brethren, against incurring the guilt of any irregular proceedings for the sake of complying with the wishes and persuasions of particular members. Or in other words, that you do not make the charges of others your own, and thus expose yourselves to the displeasure of God.

I am, Brethren, your well wisher and pastor,

*Manchester, April* 5, 1819. JAMES THURSTON.

To be communicated to the church by the hand of Brother Joseph Hooper.

*A true copy, attest,* SAMUEL DANA, *Scribe of the Council.*

Town-Meeting being open, the business of choosing a council is now on the carpet, agreeable to Thurston's first proposals to the Church, viz. by having all the charges presented him twelve or fourteen days before the setting of the council. I now proceed to give some general view of the grounds taken on both sides, as near as I possibly can. It was urged that there was not the least propriety in attempting to comply with Thurston's request, for this reason, as it appeared to us the disaffected part of the community. Thurston had called us together on the 20th of January, and then he proposed to meet us on the 15th of February—and when assembled, and one gross charge presented and proved, as he had agreed to be sifted like wheat, stating that every man, woman, child, &c. should know his character; Thurston was then indulged the privilege of retracing his ground—and no notice was taken by the committee to report their opinion on that case; and further, to choose a mutual council, and present a list of charges to them when assembled, could not operate injurious to Thurston or the town; as the council may, if they see best, adjourn, and give Thurston time for defence. Further reason—we did believe that the intention of Thurston was, not to have a council at all; but merely to obtain a list of all the charges against him, and then, (as he probably would obtain a majority,) they would have every opportunity of treating all our allegations in the same manner that the charge of the 15th of February was treated, viz. Smith's testimony against Thurston. And further—Thurston now stands charged with the basest of charges, and is now well known to every man, viz: that of of Mussey's letter to Doct. Sewall, the dissection business, together with his circulating a false letter to exhonorate him from that base charge. Reply to us—that every man in society had a right to a list of charges twelve or fourteen days at least; and it was nothing more than Thurston had a right to ask or expect, and ought to have it granted at all events—as it put the town to great expense for the council to adjourn, and that the town had a right to demand those charges; and, said the speaker, Henry Story, there was no other way that the town ought to proceed. Further—that *he* (Story) was never concurred, and he would be damn'd before he would be.

By this time there was much excitement in the meeting. Reply—if we can have a fair opportunity before this council, we will then and there appear, and show all our complaints; or otherwise, if we loose the vote, we shall probably secede from you, and let you have James Thurston till you are sick of him as we are, and that will not be long first; there has been an unwillingness to hear the truth, and we have as yet been obliged to contend for every inch of ground. We have had a majority to contend with;—and for peace sake, we have once and again proposed to Thurston, and now to the town, to try James Thurston before an ecclesiastical tribunal, such a one as he last proposed, of the 15th of February; and we are tired of such impositions. The vote was then called for, to get a council on Thurston's plan; the vote was lost by two or three majority. This produced confusion. The minority appeared many of them offended. The meeting was dissolved. The majority thought not best to proceed to choose a council, as it would probably have been attended with much confusion. Therefore the disaffected assembled that evening, and agreed to

secede from the society, as the best way for peace in this society and church; the meeting was organized, and an application was presented to the members present, for their signatures as follows:

*Manchester, April* 5th, 1819.

To the Gentlemen of the Committee of the First Baptist society in Beverly, under the pastoral care of the Rev. Nathaniel W. Williams,

Your petitioners feel it their duty under the existing difficulties in this town to apply to become members of your respectful society, for the express purpose of enjoying our respective rights and privileges agreeably to a law of this commonwealth, passed June 18, 1811.

The bearers of this petition are justly authorsed to enter into arrangements that may be thought judicious under the difficulties which now exist. Subject to such alterations respecting the continuance of membership, as the nature of the case may demand Should you comply with our request, you will grant a certificate in due form of law, in order that the above mentioned purpose may be effected.

We are, gentlemen, with respect, your most obedient humble servants, Abial Burges, John Allen, D. L. Bingham, Henry Lee, John Lee, Obed Carter, Isaac Allen, Abner Allen, Jona. Allen, David Crafts, John Allen 2d. Richard Allen, Tyler Parsons, Aaron Allen, Burley Smith, David A. Grosvenor, Samuel Edwards, John Girdler, John C. Allen, Abner Allen, jr. Benjamin M. Knowlton, Samuel Cheever, Larkin Woodberry, John C. Long, Israel Morgan, Samuel Kinsman, Horace H. Grosvenor, Rufus W. Long, Samuel M. Williams, John O. Morgan, Benj. Crombie, Azariah Allen, Ithamar Faton, Daniel Allen, Josiah Lee, Jacob Cheever, Nathan Allen, jr. George Girdler. jr Richard Allen, jr. Daniel Friend, Malchai Allen, John Dodge, Joanna Allen, Lydia Allen, Mary Allen, Joseph Baker.

*Bearers of this paper,* TYLER PARSONS,
RICHARD ALLEN.

This transaction produced a wonderful effect; the members of the society from which we seceded, many of them supposed we intended to impose a burthen of taxes on them, to support Thurston. This belief created a manifest hostility in them, and for a season divided families in affection, notwithstanding it was reported that Thurston said that it should not make any difference in their taxes. No doubt Thurston thought that he should manage them as he pleased, as there would not probably be any to molest him or make him afraid. This was to be sure natural; the disaffected having signed off, as is termed—not having any legal right to act at any meeting called for parish concerns. He probably now concluded that he could get his little harmonious church together, and resolve and declare, and petition, and request the town to call a council, and that their request would be granted without opposition. He could now propose it in such a manner as to produce a very desirabe effect. Here you see he began—he called a church meeting, as he terms it; he does not tell us how many of the church composes this body.—but after looking to God for light and direction, as he says, he then and there presents his wishes in due form; probably that form which Mr. Thurston had reference to, when he said in presence of Capt. Girdler, (as by his affidavit annexed,) that he had the first lawyer in N. Hampshire engaged on his part; and Mrs. Thurston replied, 'yes, you may well say that.' From this we see from Thurston's own testimony, he had already engaged a lawyer in N. Hampshire—and how many more in Massachusetts he does not tell us; yet we always believed this was the light and direction he was after. Now look carefully over the papers and say, if the paper Thurston submits

to the remnant of the church, and by them and himself to the town, is not big with sentiments like these, viz: that the whole power of adjusting the difficulties between him and the town shall be given to the council; and that so explicit, that every one may see it; was it not on such conditions as Thurston suspected, that this council would not probably dismiss him, not finding it expedient as he there states. As Thurston must probably have thought that this council would not probably call on the disaffected, as they belong to a Baptist society in Beverly; so he should escape their scrutinizing into the state of affairs, sufficiently close to dismiss him And did he not provide a remedy against such an operation—viz: if the council should in their wisdom dismiss him. Certainly; look at his method before the petition to the town, dated 6th of May, 1819, to carry the same into full effect. Then take a look at this copy of request as they term it, presented the town at their meeting, held in answer to the aforementioned petitions; there you will see the whole doings of Thurston and his church, as he terms them—very humbly submitted to the town, at their meeting held 15th of May, 1819; signed James Thurston, pastor, and Nath'l M. Allen, Joseph Hooper, and Nehemiah Goldsmith, committee of the church.

I will here remark, that the spirit and resolution that this great body of the church discovered, in the second vote they passed at Thurston's house the 6th of May, after prayer to God for light and direction—they there say we *will* sign a petition. I am some surprised that the next vote was not that the town *shall* do as we say. I now refer the reader to their doings, petitions to the town, meeting, &c as I know nothing respecting what was said at those meetings, or their doings, except what is to be inferred from the papers produced to the council at their sitting. On all these papapers, I remark as I understand them, and leave it to the unprejudiced reader to judge for himself. Here follows these meetings.

(No. 9.)

*The proceedings of the church and their pastor, laid before the town at their meeting, held May* 15, 1819.

At a meeting of the brethren of the church held by adjournment this 6th day of May, 1819, at the house of their pastor, after prayer to God for light and direction, Rev. James Thurston presented to the brethren the following communication:

To the brethren of the church of Christ, with whom the subscriber stands connected as their pastor.—Beloved Brethren—After much deliberation and prayer to God for direction, I hereby request you to unite with me in calling a mutual ecclesiastical council for advice, and to submit to the decision of said council on fair and equitable terms, the subject of our difficulties, and the dissolution of my pastoral and ministerial relation in this place, if the council shall judge it expedient that our connexion be dissolved. And I further request, brethren, that you would join with me in applying to the town for their approbation and concurrence with us in calling a mutual council for the purposes above stated. I am, dear brethren, your affectionate Pastor, *James Thurston.* May 6, 1819.

Having conversed on the subject of our difficulties, and calling of a council, proceeded as follows:

1. Voted to comply with the Rev. Mr. Thurston's request for calling a mutual council, for the purposes expressed in this communication, and as therein stated.

2d. Voted, That we will sign a petition to the selectmen, requesting them to call a town meeting, to obtain the approbation and concurrence of the

town with us in calling a mutual council for the purposes above stated in Mr. Thurston's request.

A petition was then signed by the pastor and the brethren, requesting the selectmen to call a town meeting And the church agreed that the above proceedings be laid before the town, together with a request for their concurrence, to be signed by the pastor and committee.

JAMES THURSTON, *Pastor.*

A true copy. Attest, SAMUEL DANA, *Scribe of the Council.*

(No. 10.)

*A copy of the petition to the Selectmen for calling a town meeting.*

To the Selectmen of Manchester.—Gentlemen, We the undersigned request you to call a legal meeting of the inhabitants of this town as soon as you conveniently can, to see if the town, when convened, will concur with their pastor, the Rev. James Thurston, and the brethren of the church who have agreed with him in calling a mutual ecclesiastical council, and to pass any vote or votes thereon, which they in their wisdom may deem proper for carrying the same into full effect. We are, gentlemen, with due respect, &c. JAMES THURSTON, *and ten others.*

*May* 6, 1818.

*A copy of a request for the concurrence of the town, in calling a mutual council, signed and presented by the pastor and church committee, to the Moderator of the Town Meeting held May* 15, 1819.

To the Inhabitants of the town of Manchester, now convened in town-meeting—Mr. Moderator and Gentlemen, We the undersigned, by desire of the Church, now present you with the proceedings of the church and their pastor, in relation to the calling of a mutual ecclesiastical council for advice, to submit to the decision of said council, on fair and equitable terms the subject of our difficulties, and the dissolution of Rev. James Thurston's pastoral and ministerial relation in this place, if the council shall judge it expedient that said connection be dissolved.

These proceedings are now submitted to the town with our united request, that you gentlemen will approve of the same, and concur with us in calling a mutual council for the purposes above expressed.

We are, sir, and gentlemen, with due respect, &c.

JAMES THURSTON, *Pastor.*

NATH. M. ALLEN, } *Committee*
JOSEPH HOOPER, } *of the*
NEHEMIAH GOLDSMITH, } *Church.*

A true copy. *Attest.* SAMUEL DANA, *Scribe of the Council.*

(No. 11.)

At a town meeting legally notified and held at the meeting-house in Manchester on Saturday the 15th day of May anno domini 1819—First, chosen moderator Maj. Israel Foster—Secondly, voted that the town will agree with the Rev. James Thurston and the church in calling a mutual ecclesiastical council for advice, and to submit to the decision of the council, on fair and equitable terms, the subject of our difficulties, and the dissolution of his pastoral and ministerial relation in this place, if the council shall judge it expedient that our connexion be dissolved.

Thirdly, voted that the following churches should be sent to, viz.—the church under the care of the Rev. Sam'l Dana of Marblehead, the churches under the care of Doct. Worcester and Rev. Brown Emerson of Salem, the church under the care of the Rev. Samuel Walker of Danyers, the church under the care of the Rev. Manasseh Culler of Hamilton, the church under the care of the Rev. Robert Crowell of Essex, the churches under the care of the Rev. David Jewett and Levi Hartshorn of Gloucester, and the church under the care of the Rev. James Mittimore of Newbury.

Fourthly, voted to choose a committee to make provision for the council, and to give the council information respecting our situation.

Fifthly, voted that the committee consist of five, viz. William Tuck, Esq. Maj. Henry Story, Col. David Colby, Capt. Thomas Leach, Maj. Israel Foster, Eben. Tappan, Capt. John Hooper.

Sixthly, voted that the time should be left to the church and pastor for the meeting of the council. A true copy as of record.

Attest, DELUCENA L. BINGHAM, *Town Clerk.*

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

*Remarks.*—The reader will here mark the distinction between this meeting of the 15th of May, and that of the 5th April—Then all charges must be presented twelve or fourteen days at least, or no council. Now nothing about charges—the council in the terms Thurston proposed by the remnant of the church, the greatest harmony as appear in their papers—the 2d vote you will see that the town grants the request of Thurston, without the least variation, as submitted by those resolute church members, where they declare they *will* sign a petition. The town appears by their doings to be wholly unsuspicious of the law, and the monstrous difficulty they were involving themselves into. Surely they must have had a better opinion of Thurston, than I believe they most of them have now. Call on them to give Thurston an indulgence to that extent now, and see what the objection will be; look at their proceedings by them since, and there you will see they absolutely refuse complying with this vote above mentioned. There you see that Thurston tells them in his last letter, that they had better leave it to men than resort to law. What prevents Thurston using the law in this case? He says in his memorial, that it cannot be in the power of one party to dissolve a contract, or otherwise it is no contract at all. It appears that Thurston rests his claim entirely on the doings of the meeting of the 15th of May; and on the 2d vote lays all his strength;—he uses in support of his claims, that he has performed his official duties in Manchester; and if it is as he says in his memorial annexed, that it was his ambition to preserve the affection of his flock, and to be a useful minister of the gospel, I say, if Thurston can prove that he has affectionately and in a christian-like manner, as much as is common among men, that believes in the christian religion, behaved himself in Manchester as he expresses in his memorial, he certainly is entitled to his sallary, and is not dismissed from this town as a minister in my opinion. But I ask, why he has not called on the town before now? Is it not because his friends will come out and prove to the contrary, that he has not performed his official duties in that becoming manner.

I here ask, what we agreed as a town to do, when Thurston settled with us? Did we not agree to give him a certain sum of money per year, on the condition that he would settle in Manchester in the capacity of a teacher of piety, morality, and virtue; and by example, enforce these most delightful, and most essential qualifications that the human mind is capable of. This I believe to be the very essence and spirit of the contract.

On the contrary, should it prove that said Thurston has not, by example or practice, been such a man as above described. then I should say, he is bound to refund the money already paid him, from such times as there was a division in town-meeting respecting voting his sallary, as you will see by looking at the meeting held March. 1819. But, say you, the council has in effect said, that Mr. Thurston has performed as above described, and have recommended him as a man of good character, as a gospel minister, &c. Reply—Does not this same council tell you, that they

forbore to go into the causes or merits of the difficulties then existing? And if so, (according to their logical mode of reasoning,) they did not *know* what difficulties did then exist.

But further—You have proved to us by the testimony of Girdler, that you offered to prefer one charge to begin with, viz. that of Smith's. Yes, that is true—but, say you, why not have proceeded in support of it? You will there see the reasons—1st, we required of this council that Thurston should be put on oath; and what was the reply by one of the council, (Mr. Crowell.) It was said that a Minister of Christ was always under oath. And further, he said (as you will see by looking at Capt. Girdler's testimony,) that all we had produced was nothing but a bubble. But mark the reply by Rev. Dr. Worcester; he said that what had been offered by us had great weight,—and further, it would always have weight. A just reply, we then considered it, and do now consider it so. For the truth of all my remarks, I refer you to the testimony above mentioned, and to all the circumstances and papers produced. I now proceed to show you the next public paper in rotation, as follows.

Before I proceed, I will here remark, that there is an error in the Town Clerk's taking of the votes of the record, viz—he has embraced the fourth and fifth vote of the meeting together; and in the fifth vote here, he has embraced what should have been in the sixth and seventh; of course, the sixth vote here, is what should have been in the eighth, in order to agree with the votes of the meeting before mentioned; and that the eighth and tenth vote in this statement is omitted. It is as you will see of no consequence, as it only relates to giving Mr. Thurston a copy of the doings, and the dissolving of the meeting Being in haste when called on for these votes, he took nothing more than he supposed the council wanted; notwithstanding he incautiously signed them as a true copy, attest, Delucena L. Bingham, town clerk.

*To the Citizens and Inhabitants of the Town of Manchester.*

This is to remind you that the Council agreed to by the Rev James Thurston and the town of Manchester, is to assemble together at the hotel on Wednesday the second day of June next. Also your committee will meet at the hotel the 31st day of this present month, at 4 o'clock P. M. to receive any communication for or against the Rev James Thurston, to be laid before the council, or any or all persons may if they please make their communication, or accusation (if they have any) to the council on the day of their meeting at the hotel.

May 24, 1819.

Per order of the Town's Committee,

WM. TUCK, *Chairman.*

A true copy.—Attest, SAMUEL DANA, *Scribe of the Council.*

I remark, as this public notice apppeared to be addressed principally to us, the disaffected part of the community, and learning that the town had adopted the same course that they tried to prevent us from adopting on the 5th of April, that is, to choose a council, and lay all our allegations before the council at the time of setting, as you will see by looking back to that date. Then it was for us to produce all our accusations, specifically stated in writing, twelve or fourteen days before the sitting of the council, &c. But now mark the difference in their notice. "You may now bring them at the day of the council sitting, if any you have,"

say they. This mode of treating the subject, we thought cruel indeed, beyond description; and justly merited, as we conceived, a reply. We accordingly met, and concluded to reply in a public manner.

The reader will remember, that at this time, we the disaffected did not belong to the society when this notice was given, and that we had no legal right to prefer any charge whatever against Thurston; and that committee must have known that. *Query.* Why did they not propose that to us at the meeting of the 5th of April? Or why did they not accept of this same proposition when it was proposed by us? The reason in my mind is obvious. They had some violent over-bearing men as leaders, that did not intend to have Thurston dismissed, although the general good required it. I infer this from all the proceedings. But, however, these men have since gone to their long homes, and but few mourners left to walk the streets.

(No. 13.)

Having noticed a public advertisement, dated May 24th, 1819, per order of the town's committee, signed William Tuck, chairman, reminding the citizens and inhabitants of the town of Manchester of the sitting of the council, we the undersigned, citizens and inhabitants of said town, believe it to be our duty to reply in this public manner, observing when the citizens of a town cease to regard their own interest and own happiness, those that advise them should step with caution, lest from a disinclination to hear the truth, or other cause, they should be disposed to look on counsel as insulting; and from a strange aversion to the labor of thought, be treacherous to their own senses. The words used in the advertisement above alluded to "*for or against* the Rev. James Thurston," appear singular indeed; but more especially the allusion to the accusation (" if they have any") without entering into elaborate detail to prove to the above mentioned committee the justice of our cause, we presume we do know we have sufficient cause to justify us in our proceedings, and shall ever hold ourselves ready to answer to the gentlemen who compose your council, either in person, or in writing; as they may request.

N. B As members of the Rev. Mr. Williams' society in the town of Beverly, and as a committee of that part of the society in the town of Manchester.

*Manchester, May* 29, 1819.

A. BURGESS—D. L. BINGHAM—TYLER PARSONS—H. LEE—RICHARD ALLEN—BURLEY SMITH—JOHN LEE, *Committee.*

A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

The above is the last public paper, as submitted to the council, agreeable to Mr. Dana's certificate, and is No. 13, as submitted them on the part of the town, as the council mentions in their doings at their first days sitting. I shall here explain this last paper, as it excited some considerable attention. The seceders did then believe, and do now believe that the majority of the town, from some cause or other, did cease to regard their best interest, in not indulging us in producing all our charges against Thurston at the sitting of the council, as we proposed, at the meeting of April 5th. Further, we did believe that there was some in that committee had a strong disinclination to hear the truth. And further, we believed that all our counsel and persuasions were looked upon as insulting. And it appeared to us to be the want of thinking, and impartially investigating all the circumstances. It further appeared to us, that there was a strong aversion to know the whole truth; we inferred this mode of reasoning from all the doings from

ing a full exhibition of his disposition, his malice and his hypocrisy; injurious to the peace, the interest, and the character of the inhabitants of the town of Manchester.

It was also stated by witness under oath, that previous to the above slander, Mr. James Thurston did say, before he would knuckle to Dr Grosvenor, or any of this people, he would draw out the last drop of his heart's blood

N. B. The above wicked, malicious, and impious slander, was committed on the Lord's day evening after divine service, and at the dwelling house of Mr. Thurston. Believing it not to be within the jurisdiction of any ecclesiastical body, to try cases of slander, falsehood, or any other gross misdemeanor, we shall reserve all cases of that nature, to be brought before a court proper to try the same; having power to summons and compel evidence to the truth. The above, in connexion with his disposition, as has been generally exhibited to us, is a sufficient reason we say to justify us in withdrawing our support and fellowship from said Thurston as a gospel minister. The foregoing statement, together with some other papers, is respectfully submitted for the consideration of the council, agreeable to their request.

We are, Gentlemen, with due respect, your most obedient and humble servants, a committee in behalf of a respectable number of the inhabitants of Manchester, who have withdrawn their support from Mr. Thurston, and became connected with the society called Baptists, under the care of Rev. Mr. Williams in Beverly, as the only means of redress at that time.

D. L. Bingham—Tyler Parsons—Richard Allen—Henry Lee—John Lee, *Committee in behalf of the Society.*

I will here remark, that we appeared and presented our papers before alluded to, to the council; they received them—it being nearly dining time, we withdrew until the afternoon. We then appeared, and offered such statements in explanation of our written communications as we judged most fit. On the part of the church members, D. L. Bingham was chosen for that purpose; and on the part of the society, I was appointed. Deacon Bingham made such remarks in behalf of the church members, as reasons for leaving the church and joining the society in Beverly, as was well calculated to show the sincerity of the transaction; and that it was from a conscientious belief of duty, under then existing circumstances; that the church had for a long time, labored under very unpleasant and trying causes, in relation to Mr. Thurston's conduct, both in and out of the desk—and that there had been every fair way proposed to Mr Thurston, as would appear by their doings; and that the majority of the church thought best; and in answer to their own consciences, to leave the society, in order that they may see the propriety of Mr. Thurston's being dismissed from this people

On the part of the society, I endeavored to show, that Mr. Thurston's character was not such as a Gospel Minister's should be; and in evidence of the truth of my remarks, I referred them to the charge brought against him the 15th of February, 1819, as in our papers presented; stating, that I believed every man unprejudiced, would say that Thurston was guilty of slandering the inhabitants of Manchester, as was stated in Smith's evidence. And further—there were many reports in circulation of a very serious nature, such as were believed by us, and were such as this council had not jurisdiction over; having no power to compel and summons evidences to tell the truth. But, notwithstanding, we were willing to prefer one charge—that of Thurston's slandering

the inhabitants of Manchester, providing Thurston shall be put on oath. This occasioned a reply by Mr. Crowel, assistant scribe, "that Ministers of Christ were always considered under oath." This occasioned a reply in return, "that we wished they would conduct as such." It was then proposed to go into the investigation of Thurston's slandering the inhabitants.—(Some considerable clamor.) They begin to enquire for Mrs. Thurston, as evidence for her husband. By this time it was thought by the council not best to proceed. Smith offered to be sworn, but was refused.

For the truth of my remarks, I refer you to the council doings. Therein they acknowledge that they did not proceed—to use their own language, "the council" say they, "forbear entering into the causes or merits of the controversy, which has involved them in so much distress, and peril," &c. For their views, I refer the reader to their doings. The first day's work being ended by the council, they adjourn to the 17th of June next. Before they adjourned, you will see the first vote was to give a fortnight longer for these poor humble church members, those that had not seceded and those that had, to return, and sign an explicit declaration to adhere to the Congregational order. Then they would dismiss Thurston; and that is not all they would do. They say that they will recognize them as constituting the Congregational Church in Manchester. I refer the reader to this very extraordinary piece of paper, that already has been a wonder to many. (See the *Orders in Council*, 2d June, 1819.

I remark, that Joseph Hooper was the bearer of these Orders. To some of my brethren, it raised up their spirits to even think that Thurston was going to be dismissed. This paper, I have observed, was a wonder—it created much excitement. Surely this is a day of wonders.

June 17th arrived. The council met according to adjournment. Organized themselves. A communication was handed them from eight of the disaffected church brethren, adopting the articles of Dr. Worcester's Church, as you will see by looking at the council papers, &c.—This paper marked No. 5, that was presented by the disaffected. The Council then say that they received a communication from Tyler Parsons, Henry Lee, Sam'l M. Williams, and Richard Allen, as a committee in behalf of the society, which was read and filed—the council call this paper No. 5; that of course is a mistake, for they give us credit for 4 the first day, and two communications the 17th of June. This paper that the council calls No. 5, is an answer to their paper, handed us by Joseph Hooper; you will there see that we meekly and fearlessly tell them our opinion of liberty both in church and state. We had reason to rejoice, and again I say to rejoice, that our pious ancestors had made provision for us in the constitution, and God grant that it may be transmitted down to the latest generation and preserved inviolate, that the sons of blood-bought freedom may worship God agreeable to the dictates of their own consciences, and have none to molest or make afraid. The council then say they received the vote of the whole church. I presume the council mean the whole present. For it appears they had but eight out of all that seceded; of course they must mean all that signed the church articles above mentioned.

(Council Paper, No. 1.)

*Wednesday, June 2d, 1819.*

Pursuant to letters missive from the church of Christ in Manchester, and their pastor, the Rev James Thurston, in concurrence with the town, an Ecclesiastical Council was convened at the house of Mr. Benjamin Thompson in said town, "for advice, also to decide on the subject of their difficulties and the dissolution of Rev. Mr. Thurston's pastoral and ministerial relation among them."

Present,

Church in Hamilton, by Rev. M. Cutlar, L. L. D. pastor, and brother John Whipple, delegate.

Church in Belville, Newbury, by Rev. James Miltimore, pastor, brother Benjamin Hale, delegate.

Tabernacle church in Salem, by Rev. S. Worcester, D. D. pastor, deacon Nehemiah Adams, delegate.

First church in Marblehead, by Rev. Samuel Dana, pastor, brother R. Homan, Jr. delegate.

South church in Salem, by Rev. Brown Emerson, pastor, brother William Lang, delegate.

South church in Danvers, by Rev. Samuel Walker, pastor, Dea. Fitch Pool, delegate.

Church in Sandy Bay, Gloucester, by Rev David Jewet, pastor, brother Francis Norwood, delegate.

Church in Essex, by Rev. Robert Crowel, pastor, brother Samuel Burnham, delegate.

Church in the Harbor, Gloucester, by Rev. Levi Hartshorn, pastor, brother Henry Phelps, delegate.

Rev. Dr. Cutler was chosen Moderator—

Rev. S. Dana, Scribe—

Rev. R. Crowel, Assistant Scribe.

After prayer for divine direction by the moderator, the council proceeded to receive information from the Rev. Mr. Thurston, and the committees of the church and town in relation to the unhappy difficulties subsisting among them, and several written documents were exhibited, read and put on file, numbered from 1 to 13. Committee, brothers Joseph Hooper, Nathaniel M. Allen, Nehemiah Goldsmith; committee of the town, William Tuck, Esq. Major Henry Story, Col. David Colby, Capt Thomas Leach, Major Israel Foster, Mr. Ebenezer Tappan, Capt. John Hooper. Rev. Messrs. Walker and Hartshorne, Deacon Pool, and brother Phelps, were appointed to wait on gentlemen who have signed their names as a "Committee of Rev. Mr. Williams' Society in Beverly, residing in Manchester," stating to them that the council are disposed to give them opportunity to make any communications to the council that they may deem proper. The disaffected brethren of the church, and committee of that portion of the society connected with the Baptist church in Beverly, appeared, and exhibited their papers, which were read and filed, No. 1. to 4.

Disaffected brethren—Delucena L. Bingham, Tyler Parsons, Israel Morgan, Jona. Allen, Obed Carter, Henry Lee, Malachi Allen, Isaac Allen, John Girdler, D. A. Grosvenor, Abner Allen, Committee—Several of the above, together with Abiel Burges, John Allen, 2d, Richard Allen, Burley Smith, John Lee. Adjourned for one hour.

After dinner, council resumed their sitting, and the brethren who have seceded, and a committee of the disaffected in the society again appeared, and offered such statements in explanation of their written communications as they saw fit. Having deliberated on all that had been laid before them, the council proceeded to consider the expediency of dissolving the connexion between the Rev. Mr. Thurston and his church and people; and on this point made enquiries separately, of the committee of the town, the committee of the church, and Rev. Mr. Thurston It was then voted, that the persons, male and female, who are in covenant with the church now under

the pastoral care of Rev. Mr. Thurston, and have not withdrawn themselves from his ministry, together with such of those who have withdrawn and connected themselves with the Baptist Society in Beverly as shall return within a fortnight from this day and subscribe an explicit declaration of their intention to adhere to the congregational order and discipline agreeably to the established usages of our churches, provided the Rev. Mr. Thurston be dismissed; and to seek the regular settlement of a congregational minister as his successor, shall be recognized by this council as constituting the congregational church of Christ in Manchester.

Rev. Mr. Miltimore and Br. H. Phelps were made a committee to consider, during the recess of this council, what compensation should in equity be made by the town of Manchester to the Rev. Mr. Thurston, provided he should be dismissed. Rev. Messrs. Dana and Emerson were chosen to prepare a result of this council, to be reported at the adjournment. The council adjourned to meet again at the same place on Thursday the 17th of June inst. at nine o'clock A. M.

*To the ecclesiastical council now in session in Manchester.*

Having received an extract of votes passed by the council, attested by Sam'l Dana, scribe, which proposes a declaration of our intentions of supporting the congregational order and discipline—To this we reply, that having recently a covenant and articles adopted by the tabernacle church in Salem, we do consider these to contain our views and beliefs of the great objects of faith and the necessary discipline and government in the church of Christ.

*Manchester, June* 17, 1819.

D. L. BINGHAM, JONATHAN ALLEN,
OBED CARTER, ISAAC ALLEN,
JOHN GIRDLER, MALACHI ALLEN,
ISRAEL MORGAN, DAVID A. GROSVENOR,
*Members of the church in Manchester.*

*A true copy, attest,* SAMUEL DANA, *Scribe of the Council.*

## Here follows the reply to the council papers:

TO THE REV. SAM'L DANA:—*Dear Sir*—Having received by the hand of Capt. Joseph Hooper, on the eve of the 3d of June, a paper purporting to be extracts of votes of the council, on the 2d of June, attested by you as scribe for the council, you will confer a favor on the subscribers if you will hand the moderator this paper, to be presented to the council respectfully, as an answer to their votes, so far as they appear to relate to those who have withdrawn themselves from the support of Mr. Thurston.

*To the moderator and gentlemen of the respectful council, now convened in the town of Manchester.*

First, With regard to an explicit declaration to adhere to the congregational order, we have in the most unequivocal manner stated to you our views and feelings on this subject, as follows, viz:—We have no wish of continuing in a state of separation, but feel disposed to unite with our brethren in the support of a congregational minister, provided Mr. Thurston's ministerial connexion with this people be dissolved. In making the above statement to you, gentlemen, we were impressed with the belief, that you would have considered us sincere, more especially when so respectable a number of the inhabitants as subscribers were presented to you, explicitly declaring as above stated.

Secondly, As it respects the established usages of your churches, in every particular, we do not pretend to know what they are—but we presume you will readily admit every church to be independent of each other, as it respects discipline; you will not pretend to abridge the right the constitution has granted us. The second article of the constitution provides as follows, viz—"It is the right as well as the duty of all men in society, publicly and at stated seasons to worship the Supreme Being, the great creator and preserver of the universe. And no subject shall be hurt, molested or restrained in his liberty, person, or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in religious worship."

Thirdly, respecting Mr. Thurston's being dismissed, we have no hesitation in giving our opinion if he is not dismissed, we presume seven eighths of this people will leave him in twelve months. They will no doubt embrace the sentiments of the seventh article of the constitution, which is as follows—"Government is instituted for the common good, for the protection, safety, and prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, totally change the same, when their protection, safety, prosperity and happiness require it."

Fourthly, as it respects our being recognized by you, gentlemen of this most respectable council, we shall always be happy in being in fellowship with our neighboring churches, and especially those who feel disposed to maintain the rights and privileges of the church and people.

Fifthly, further, gentlemen, if there has been any insinuations by any one presented to you, directly, or indirectly, calculated to establish in your minds an idea, that any member either in church or society, among those who have recently withdrawn themselves from Mr. Thurston would wish to break up the congregational order in this place, by introducing a new system of belief, faith or practice. The insinuation is ungentlemanlike, unchristianlike, and false. If any further communication from us is wanted, we shall be happy to wait on you in any manner you may choose.

With the above remarks, we the subscribers, in behalf of the members of this society who have recently withdrawn their fellowship and support from Mr. Thurston, beg leave most sincerely, and with due respect, subscribe your most obedient and humble servants,

TYLER PARSONS, HENRY LEE,
SAM'L M. WILLIAMS, RICHARD ALLEN,
*Manchester, June 17th, 1819.* *Committee in behalf of the Society.*
A true copy. Attest, SAM'L DANA, *Scribe of the Council.*

*Manchester, June 17, 1819.*

The council met according to adjournment, and after prayer by the Rev. Mr. Miltimore, resumed the considerations of the subjects submitted to them. A communication was received from eight of the disaffected brethren of the church, viz. D. L. Bingham, Jona. Allen, Isaac Allen, Malachi Allen, David A. Grosvenor, Obed Carter, John Girdler and Israel Morgan, stating that "having recently seen a covenant and articles, adopted by the Tabernacle Church in Salem, they do consider them to contain their views and beliefs, of the great objects of faith, and the necessary discipline and government in the church of Christ"

A communication was likewise received, signed by Tyler Parsons, Henry Lee, Samuel M. Williams and Richard Allen, as a committee in behalf of the society, which was read and filed No. 5. Committee of those of the society who have withdrawn

The council received the following vote of the whole church:

Voted, That for the purpose of re-establishing and cementing the union of this church, we solemnly and unitedly adopt the articles and covenant contained in the pamphlet now before us, purporting to be the same which are in use in the tabernacle church in Salem, and bearing the manual signature of Martha Lee.

*Manchester, June 17, 1819.*
A vote of the church. Attest. D. L. BINGHAM, *Clerk.*

The committee on the subject of remuneration made their report, which was considered, amended, and filed No. The committee appointed for the purpose, reported a result, which when amended was adopted as follows:

Result. The council are deeply impressed with the sacred nature, the solemnity and high importance of the relation of a minister of the gospel to the people of his particular charge, and cannot but express their sincere regret that in the present instance any circumstances should exist to render it expedient for this relation to be dissolved. But as it appears that a large portion of the church and society, and the pastor himself think that it cannot be for their mutual advantage, for their present connexion to be continued, so the council also are of opinion that on the whole it is best that the

pastor should be regularly dismissed. From the documents and statements presented we have learned with pain that difficulties and dissentions of long standing have occasioned a lamentable division among this people, and an unhappy degree of disaffection in the minds of many toward the pastor; that a considerable number of the brethren of the church, and members of the society, have withdrawn themselves from his ministry, and that there seems to be no hope of a restoration of union and harmony, nor any encouraging prospect, either of his ministerial usefulness, or of his receiving a competent support, so long as he remains in this place.

We therefore judge it proper, that the pastor should ask a dismission of the church, and that the church should grant his request, with fair testimonials of his christian and ministerial character, and that his stated labors among them should be closed on the last Sabbath of the present month. Being desirous of avoiding, as far as practicable, whatever might have a tendency to prevent the future tranquility and happiness of this beloved people, the council would forbear entering into the causes and merits of the controversy which has involved them in so much distress and peril, any further than to state, as they do explicitly, and with heartfelt satisfaction, that after opportunity afforded for a full hearing of all the parties, nothing prejudicial to the moral, christian, or ministerial character has been sustained. It is the opinion of the council that the town should take the real estate of the Rev Mr. Thurston, situated in Manchester, off his hand. at such a price as shall be determined by impartial judges mutually chosen by the parties, taking into consideration its original cost and its present value. We wish it to be understood, that we are far from viewing this as an adequate remuneration or indeed as any remuneration to Mr. Thurston, on the ground of equity. We cannot but consider him as entitled to a liberal compensation for the damages that must be sustained by him. But this result is formed in a spirit of accommodation, with an anxious regard to the welfare both of Mr. T. and of this people. He is earnestly recommended to their justice and kindness, in the hope, that by all the means in their power, they will endeavor to lighten the burden, and alleviate the affliction of his being deprived of the ordinary means of support, and reduced to the necessity of removing to a distance in such trying circumstances. The council are not insensible that the scene of dismission must be attended with many painful sensations to the pastor, and with him and his dear family they feel a tender sympathy. At his period of life, and situated as he is with respect to those who under Providence are dependent on him, it cannot but be peculiarly afflictive to be thrown upon the wide world, by means of his separation from a people near his heart, with whom he had calculated to spend the remainder of his days, among whom his labors have been so greatly blessed, and of whom so large a proportion continued stedfast in their attachment to him. We earnestly commend him to the grace of God, and pray that all his trials may issue in the furtherance of the gospel, and his more abundant profit and joy. That all his future steps may be divinely directed, and that a door may be opened for him in some other part of the gospel vineyard, and where he may labor with great happiness and success.

For the church and society the council also feel a lively concern. This concern has indeed been in a measure relieved by the very satisfactory return to the church of eight of the brethren, who had withdrawn themselves and given their names to the Baptist society in Beverly, and the united adoption by them and the brethren who have adhered to the Rev. Mr. Thurston. of a particular form of church order and covenant, as a pledge and security of union and peace. And the explicit declaration of forty-five individuals of this society who have connected themselves with the said Baptist society in Beverly, that they "are disposed to unite with their brethren in the support of a congregational minister, provided Mr. Thurston's ministerial connexion with this people be dissolved," is regarded as highly auspicious to the religious interests and general welfare of this town. These solemn pledges we devoutly trust will be held inviolate, and lead to the desired happy consummation Yet aware dear brethren, that your situation is still in no slight degree critical and exposed, we do, in the name and for the love of our common Lord, solemnly and affectionately exhort and entreat you, to strive together by all proper means, to keep the unity of the spirit in the bond of peace, to put away from you all bitterness and wrath, and anger,

and clamor, and evil speaking with all malice, and be kind one to another, tender hearted forgiving one another, even as God for Christ sake hath forgiven you, particularly to be on your guard against all sectarians or other attempts to divide and scatter you, and humbly to wait upon God in prayer, and in the best manner, for the purpose, that he may soon bestow upon you, as a rich ascension gift, another pastor according to his own heart. who will lead you in the true way of the gospel, and feed you with knowledge and understanding.

And unto him who is able to keep you from falling, and to present you as faultless before the presence of his glory, with exceeding joy, to the only wise God our Saviour, be glory and majesty, dominion and power, both now and ever. Amen. M. CUTLER, *Moderator.*

SAMUEL DANA, *Scribe.*

The following dismission and recommendation were voted by the Church, in presence of a committee of the Council.

*Manchester, June* 17, 1819,

Agreeably to the advice of the Ecclesiastical Council here convened. at the request of the pastor and church of Christ in Manchester. in concurrence with the town, we the said church hereby testify, that our pastor, the Rev. James Thurston, has sustained a good christian and ministerial character during his residence among us; and at his desire, we dismiss and recommend him as a member in regular standing, to any regular church, where, in providence he may be called to reside. Signed by order of the church, *nemine contradicente.* JOSEPH HOOPER.

Attest, SAMUEL DANA, *Chairman Com. Council.*

The following was voted as the Council's recommendation of Mr. Thurston.

*Manchester, June* 17, 1819.

The Ecclesiastical Council, here convened, by letters missive from the Rev. James Thurston, and the church in Manchester, in concurrence with the town, "for advice, also to decide on the subject of their difficulties, and the dissolution of the Rev. Mr. T's pastoral and ministerial relation among them. Having judged the dissolution of their sacred connexion, under existing circumstances expedient, do sincerely recommend him as a minister of good standing and fair character, to all people among whom in the course of his providence he may be called to labour, and fervently hope and pray, that he may still continue to be an honored and useful servant of Christ, and of souls, in the vineyard of our common Lord."

M. CUTLER, *Moderator.*

SAMUEL DANA, *Scribe.*

The proceedings of the Council having been publicly read in the meeting-house, the Council dissolved.

Attest, SAM'L DANA, *Scribe.*

*I remark*, that when the council say they received the vote of the whole church, they mean all that were present; for it will be remembered, that some of the church members refused having any thing to do with any of the council's proceedings—and of course did not vote to adopt those articles alluded to, passed June 17, 1819, attested D. L. Bingham, clerk.

I further remark, that the council say that the committee on the subject of remunerating James Miltemore of Newbury, and Mr. Phelps of Gloucester, made their report, which was amended and filed. This report before it was amended, if I understand it right, (and I believe I do) read, that the town of Manchester, having *never given* any considerable sum to Mr. Thurston to help him *build in Manchester*, &c. then provides, that the town should give Thurston not less than *four hundred dollars cash*, and take his real estate off his hands in Manchester, having reference to the cost and to the present value, as you will see by looking at the council's advice to

the town. I should like to ask how this committee got their information respecting the town's not aiding Thurston in building; in this particular they are very incorrect. In the first place, the town of Manchester gave Mr. Thurston all of one quarter part of the worth of that place; they first gave him the spot which would have fetched 300 dollars, to use it as a mill privilege. I am of the opinion, that it would fetch 400 for that use to-day, and this spot was reserved for that express purpose. The petition to the town meeting was got up and advocated for Thurston to have that spot for to build on, for the simple sum that would give him a title to it —*one dollar*—and this one dollar was given to him by Mrs. Sally Allen. Further, Capt. John Lee put the deed on record, and paid the expense; so that in fact it did not cost Thurston one farthing. I believe he bought a piece of land adjoining, costing about thirty dollars as I understood. Then let him give credit for all the labour he received of the poor people in Manchester, and I presume it will amount to one fourth part of the cost of his buildings in Manchester, the report of the committee to the contrary notwithstanding.

Is not one fourth part a very considerable sum to present him with—then why does this committee undertake to make such a gross statement? I can only account for it on the principle, that they received their information from Thurston. I confess, that this committee was exceeding liberal with our money, not less than *four hundred dollars*, in addition to every thing else they recommended. *Well for Manchester*, that was all the committee could do, was to advise, that being all the power they have; however, a majority of the council do not *approve of the committee's report*—they strike *the* 400 *dollars out at a dash*, and report the remainder as I understand it. Next thing I observe in the council's doings is to find some way to get the disaffected brethren of the church to vote; a committee from the council was appointed, and came down below—I was present—they made enquiries of the brethren if the church would vote *a recommendation of Thurston and dismission—they all as one refused to recommend Thurston to any society whatever.* Mr. Henry Lee and myself objected to having any thing to do with him; we had left him and belonged to a society in Beverly—and further, it was said to the council committee, that we believe Thurston is a bad man, and we should not recommend him to any christian society. H. Lee and myself left the room—now you will see what Capt. John Girdler tells you in his affidavit—that they, eight in number, entered into an express agreement with this committee from the council to vote Thurston's dismission, and *not his recommendation*—they were then called up stairs, and there was informed, that the vote of *dismissing Thurston* and *recommending him*, was *blended together*. The church brethren refused voting at all. The committee had previously agreed with these eight brethren not to vote *against them;* the church brethren not seeing the bearings of a vote of that kind, they agreed to that mode. *The council* then called on the *minority of the church*, viz. four members that never had seceded from Thurston, to appoint a chairman of the church; one of them very readily appointed *Joseph Hooper, chairman.* They are now prepared for the vote. The vote was called for to dismiss and recommend Thurston, all under one,—and declared to be *unanimous, both in Church and*

*Council*; as you will see by looking at the council doings, *nemeni contradicente*.

I will now show how it stands in fact. There was *Joseph Hooper, Nathaniel Allen, Nehemiah Goldsmith, Stilson Hilton*, four in number, *for it*. Against him, those that would not recommend him to any society, Deacon D. L. Bingham, Obed Carter, Malachi Allen, Isaac Allen, Jonathan Allen, Israel Morgan, David A. Grosvenor, John Girdler, *eight in number, nem. con. by the council notwithstanding*. I refer you to the testimony of John Girdler, after I left the room—and I have heard *all the rest of the eight* tell the same thing. The Council repaired to the Meeting-house, and read their doings (as they say) in their papers annexed.

*THURSTON DISMISSED.*

The town seems to be perfectly willing to have Thurston dismissed, but do not choose to have any thing to do with the advice of the council, respecting his real estate, as you will see by looking to the votes passed the 22d day of October, 1810, annexed to the memorial of Thurston. It was then expected that Thurston would call on the town, in some shape or other, by law. But for good reasons, I presume, he has not yet called, though he has told them that they had better leave it to men than resort to law. By carefully looking over the council doings, you will see that they *know nothing about this matter in dispute*; they say that there was no charge sustained. The plain reason appears to be this; the council had come to this conclusion—that there was sufficient cause to *dismiss him*, from difficulties of *long standing*, as they say. And further, they say, that desirous of avoiding so far as is practicable, what might have a tendency to prevent the future tranquility of this people. These are the reasons that the council gives, for not having any charges sustained; so of course, there was not any charges sustained. As it respects peace and tranquility, we agree with the council; but as respects the *mode of obtaining it*, in such cases as we are now treating of, I have been led to conclude the best way is, *impartially* to investigate *all the difficulties*, and place *priest* and *layman* under the same *oath*; and after a patient *investigation* of the merits of the case, give an opinion as it respects the justice of the cause, without *fear, favour*, or *partiality* to any man; and for not doing so in many cases, much injury is done. If the council on Thurston had gone into the merits of the case, of Thurston's slandering the inhabitants of Manchester, that would have led them to the *dissection business*; and that to the *false letter* that Thurston *circulated in Manchester*; in order, as we believe, to acquit him of the charge as in Doct. Mussey's letter to Sewall. Although at the time of the sitting of the council at Manchester, we were not in possession of Doct. John Dewey's deposition, to show that he had not written Thurston, as he says, any letter since 1817, yet the circumstances warranted us to believe, that that letter *was false*.

I shall now make a few remarks on the memorial, for the purpose of showing the reader the probable intentions of Thurston the 15th of May, when that unusual friendly meeting took place; for particulars you are referred back to the doings of that meeting. You will see that the strength of all his memorial and claims against the town of Manchester, rests on the second vote, the 15th

of May, 1819. After proceeding in his memorial, he endeavors to show that the council had been governed by the sentiments of that meeting; and that their doings was altogether conditional; and that he has a declaration in writing from every one on that council to that effect. Let Thurston call on *that council now*, and see what they will say about *conditions*; see what they say after having gone into the *merits* of the *case*. Will they not require the very *conditions* Thurston refers to in his memorial, viz: that he had performed his *official duties* as became a *Minister* of *Piety*, *Morality*, and *virtue*; on his part, they *certainly will*. And if so, where is his *claim on Manchester?* October 27, 1819, Thurston's letter then reminds them of the 15th of May; is this such treatment as his friends had a right to expect? They placed all confidence in him; they adopted the vote precisely as it was handed by him, and his remnant of the church, unsuspicious that he would threaten them with law; especially when he tells them as by the council papers, it is by *by his desire that he is dismissed*; and signed by order of this remnant of the church, that petitioned the town for this meeting of the 15th of May, 1819. I refer the reader to the council doings, to the memorial, to the letter annexed, &c. for the truth of all my remarks.

I shall close by briefly taking a retrospective view of the whole transaction between Thurston and myself, and my christian brethren in the church to the time of dismission. We found by experience with said Thurston, that his *conduct*, his *disposition*, and his *practice*, as I have endeavored to shew you by all the facts before mentioned, was such as rendered it highly necessary to institute an inquiry into his conduct; and by this inquiry we found him involved in many unpleasant transactions, as you will see by looking into all the history up to the memorable 15th of February, 1819. You will see by looking at all the papers presented afterwards to the council, the objects at which we *strictly and religiously aimed at the truth*; but prevented from *this noble object* in view by a great variety of obstructions, too numerous to be mentioned here, they may be readily seen by a *strict*, *careful*, and *impartial examination of all our proceedings*, *up to the* 17th *June*, 1819, *to the time of Mr. Thurston's dismission from Manchester*, I would ask, was it not our duty so to do, if we did believe him guilty of what was alledged against him? and ought we not as christians to endeavor to prevent a reproach being brought on the religion we profess? was it advisable for us to recommend Thurston to any society whatever, under such knowledge and belief, as we then had? Surely the candid reader will say not. Was it our duty to have continued with the society, and not have seceded from Thurston, under the circumstances we were then placed?

It was not then in *our power*, being in the minority, to accomplish any object whatever, without producing the displeasure of the majority of our parishioners, on this ground, we seceded, fully believing that this measure was at that time most productive of *peace*. I here ask the reader to look at all the facts as I have produced them; together with all the corroborating evidences, in order to support them, and then ask one's self, is it possible to believe otherwise than we did? The very idea of knowing what is

right, supposes that we should trace matters to their *origin*, and there *unfold* the principles of a man's *actions*, in order to prove to demonstration how far we can *safely judge* and determine for ourselves, what is *right* or *wrong*. On this ground we did endeavor to proceed, and conducted accordingly. And here I shall leave it with the public to determine the propriety of my conduct in relation to James Thurston as one of the seceders. Here follows the depositions in support of the truth of my remarks.

*The Affidavits of Capt. John Girdler, of Capt. Abiel Burgess, of Mr. Daniel Annable, of Doctor Reuben D. Mussey, of Doctor John Dewey, of Mr. Sargent Burnham, and of Capt. Samuel M. Williams.*

By a careful examination of all these affidavits, you will find the facts, (I presume,) supported,—together with all the circumstances attending them.

I JOHN GIRDLER, of Manchester, County of Essex, and State of Massachusetts, of lawful age, do depose and say, that some time in the year 1816, I believe it to have been in the month of November, I was chosen as one of the committee to draw up some rules of church discipline, with others, and that Mr. Tyler Parsons as one of the committee, did perform that duty. The articles were presented to Mr. Thurston for his perusal and acceptance, as Mr. Thurston informed me. He, said Thurston, did not approve of them, but did substitute others in the room of them, and I handed them to Mr. Parsons, for his acceptance; he refused to accept of them, until the rules already to be presented to the church drawn by him, was agreed or disagreed on by the church, as he was the person appointed and requested to do that duty. Thurston, being offended at that, he tried to prevent these rules spoken of going into effect. They were adopted in the church for one year. From that time Mr. Thurston appeared to show a spirit of dissatisfaction with Mr Parsons, often speaking of him as a dangerous man, especially in the church. Reports from Thurston was soon in circulation injurious to the character of the church, and especially Mr. Parsons, as though he said Parsons eventually would overthrow the present system of faith and belief in Manchester He said Parsons being a unitarian or a universalist, or a man of infidel principles, and without something is done he will introduce these unitarian sentiments into our church, and that will fast lead on to infidelity. It behoves me as a Minister of Christ, said Thurston, to put a stop to his career—and many of these kind of insinuations came from Thurston from the time that the church articles were adopted—it was at Thurston's dwelling house, and at a meeting appointed for that purpose, that Mr. Thurston came forward, and objected to having them received by the church, observing that his name was not on them—and that he said Thurston attempted to prove by the Bible his right of negativing the church, as I understood him, in that particular; difficulties had been existing between Mr. Thurston and Dr. Grosvenor and others for years. There now seemed a cessation of arms, and it was thought advisable to get up those rules for the purpose of preventing further difficulties—but all to no good purpose. The proceedings of Thurston occasioned a meeting May 8th, 1817—the church met, Mr. Thurston present—and as the officers and members present told me, when they began to examine Thurston he left

the room. The church then passed votes after a full examination of things, that in their opinion Mr. Thurston had been the author of certain reports, which were injurious to us as a church, and requested the committee to write him on the subject. They informed me that they did write him—I have seen his reply to theirs, dated June 17th, directed to Deacon D. L. Bingham, which occasioned an answer by the committee, Mr. Parsons, and Mr. Henry Lee.

By this time the church was in a very unhappy state of things; about two thirds of the male members appeared to have withdrawn their fellowship;—there was so many circumstances that they relied on to charge Mr. Thurston with prevaricating contrary to the character he professed, the pointed allusions frequently from the desk, and the history of prevarications out of the desk by Thurston, I believe parted the cords of affection, and sowed discord and confusion all around us The communion was suspended for a while. By this time the church had come to this conclusion, that Thurston must eventually go from this place. I had endeavored to make the best of all Mr. Thurston's doings, and sayings; I lived about two miles from Mr. Thurston, therefore I had not an opportunity of seeing and knowing so much of Mr. Thurston's proceedings as the rest of the committee. At all times when Mr. Thurston called on me, he spoke of Mr. Parsons in a very unchristian-like manner indeed, unbecoming the christian character; and I believe Mr. Thurston did produce great evil in the church and society in Manchester.

Some time in the fall of the year 1818, I believe it to have been in the month of November, there was a report in circulation in Manchester, and elsewhere, respecting James Thurston, then minister of said Manchester—his advising Doct. John Dewey, then of Hanover, in the year 1815, to settle in Manchester in the capacity of a physician; and that said Dewey came there—and when there at Manchester, said Thurston offered to said Dewey, the facility of dissecting dead bodies, as an inducement for Dewey to tarry in Manchester; this report, together with many others injurious to the character of Thurston and church, were believed by a majority of the church and many of the parishioners. The facts that accompanied them, together with the habits of Mr. Thurston, in relation to his usual way of prevaricating, induced us to believe that this report was well grounded, Thurston denying it to the contrary notwithstanding; the situation of the church was deplorable without this charge, by Thurston's conduct as then believed—the committee from the church had already informed Mr. Thurston that we had withdrawn our fellowship from him, as a minister of Christ—and should continue to remain so, until he Thurston confessed his many wrongs in that manner that the gospel required. Mr. Thurston being at variance at this time with Doct. Grosvenor of this town, and had been at different times for some years; this difficulty originated principally from Thurston's interfering with Doctor's medicine and practice, as Doctor had stated to me; the truth of this I am knowing to—some instances, one I will state; Mr. Thurston called at my sisters, the wife of Capt. John W. Allen, in Manchester, she then being out of health; he said Thurston did then and there advise her, Mrs. Allen, to employ physicians of skill, as he, said Thurston, said her case was alarming—Thurston knowing at the same time that she had Doct. Grosvenor attending her. Thurston then gave her to understand that she would be soon relieved from the imposition of Doct. Grosvenor's medicine and practice, for there was a physician on his way to this town; this was in the fall of 1815, I believe,

not long before Doct. John Dewey came into town, in order to establish himself as a physician. It was then supposed that Doct. Dewey was the one Mr. Thurston alluded to. Doct. Grosvenor being a church member, led me and others to enquire of Mr. Thurston, if he did advise Doct. Dewey to Manchester. He, said Thurston said, that he did not either directly or indirectly, in any way; neither, said Thurston, did I know of Doct. Dewey's coming to Manchester before he came. It was a subject of enquiry generally, who did invite this Doct. Dewey into town. It was then believed that Thurston did invite Dewey to Manchester, his denying of it to the contrary notwithstanding. Dewey staid here about four or five weeks, to the best of my knowledge; and then finding that he could not succeed to his expectations. he returned as I was informed. to the country.

I further testify and say—in conversation with Mr. Thurston, I told him that we did not employ him to invite physicians here into town, nor to turn them out of town; the circumstance of Thurston's being charged with this conversation with Dewey about dissection business, came to Manchester by a letter from Doct. Reuben D. Mussey, dated at Hanover, October 26, 1818. I believe it began to create serious difficulties. Mr. Thurston was called on by me and others; he denied of ever having any conversation on the subject of dissections with Doct. Dewey, when at Manchester in 1815; and insinuated at the same time, that this letter from Mussey, was got up by some one probably in Manchester, for to ruin him and family.

I then went to Chebaco, now Essex, and obtained the original letter of Doct. Sewall, for the purpose of showing Mr. Thurston, in order if he was innocent, that he may have a fair opportunity to acquit himself, I then gave him a copy of said letter, the extract that relates to him, where he was charged of such advice. He then said he was going into the country to get a line from Doct. Dewey, to exhonorate him, said Thurston, from the charges alleged against him. Thurston went on his journey, as he pretended, on that day, together with his wife, and was gone not far from one week. Soon after his return, I being anxious to hear how he succeeded, I called on him. I then enquired of him respecting his health; he replied, that he was quite worn down and fatigued, and that he had worn down three horses on his journey. I asked him if he had been successful in seeing Doct. Dewey. He replied, that some future time would explain the enquiry more perfectly; he repeatedly said that I should understand more about it at some other time.

From that very moment I believed that Thurston was verily guilty of the charge alleged against him in Mussey's letter to Sewall. I did not receive any satisfaction to the contrary; his pretended journey in the country notwithstanding. Thurston intimated to me that all would be right in the end, and that he should prove innocent. I then stated to Mr. Thurston that the church and town was much excited about the matter, and I wished a further explanation of him, in order to satisfy the church members and others, when enquired of respecting his innocence. Thurston replied, 'don't be worried, be easy, I am an innocent man; this was in the month of December, 1818, I believe. Not long afterwards, Thurston sent for me; when there at Thurston's house, he stated to me, that it would not do to have all his *affairs known*. He then asked me if I had the original letter written by Doct. Mussey to Doct. Sewall, in my possessession. I replied, I have. He then enquired if I was going to return it to Doct. Sewall. I replied, I was going to return the letter. Thurston then said that this letter was going to be a great trial to him; said he, I am not going to have my character thus handled; I am de-

termined to see the matter out, as a duty I owe my family, and the cause of Christ; for I have the first lawyer engaged on my part in New-Hampshire. Yes, replied Mrs. Thurston, you may well say that Mr. Thurston. I have, said Thurston, a host of adversaries to combat with; I wish you now, said Thurston, to be particular and let me know what is said, and what the people's opinion is in town, respecting these charges. I declined having any thing to do with this business; I could not enter into any such arrangements. He then said to me, you hold that letter and keep it. Of *all your mother's children, you love yourself the best.* I then asked Mr. Thurston what he meant by such an insinuation or threat as that. Said Thurston, I am determined to see the matter closed—and I am determined to make use of *such means as God* shall give me, in order to effect the same. I then told Thurston that I should advise with a friend respecting keeping the letter—we parted.

I accordingly advised with my friend about returning this letter. He told me by all means return it to the person I received it of, Thurston's threats notwithstanding. Shortly after, Mr. Thurston came to my house with his wife, and Miss Abigail Hooper. I believe it to have been about the month of December, in the year 1818. He requested me to step out with him; we retired from the company; he then said to me, do you yet retain that letter I spoke to you about when I last saw you—and if so, what conclusion have you come to about returning of it? He further asked me if Mr. Parsons had advised me to return it. I replied to Thurston that I should return it; but Mr. Parsons had not said any thing to me about it. Thurston then said to me, is the letter to be seen? I then showed him the letter, the original from Doct. Mussey to Doct. Sewall. Thurston then replied, that it was a false letter, got up for to ruin him and family. He then commenced conversation respecting Mr. Parsons; he asked me what Mr. Parsons had said about it, &c.—and further, he exclaimed much against him: he slandered Mr. Parsons in a most unbecoming manner, with unchristian-like epithets, to my utter astonishment for a minister of Christ. He then said to me, I wish you to keep that letter—for as long as you keep that letter I am safe. I then let a female friend of Thurston's have the letter by his request, and when I called on her for the letter, she observed she could not obtain it—she said that William Norwood had it. I then demanded the letter of her. She then said that she would see Norwood and get it. When I saw her again, she observed that she had tried to get the letter but could not from Norwood. Norwood was then called on for the letter; he then produced it, after being threatened. He came to my house about 12 o'clock at night, sometime in the month of December, I believe it to have been in 1818, with the letter—and then produced two letters, as he said was copies; Joseph Hooper's name was on them, certifying that they were copies. He wished me to certify that they were copies Considering myself thus treated by Thurston in regard to this business, I wrote him a letter. I received no answer from Thurston. The next time I saw Thurston, he acknowledged the letter as having received it; he began by saying to me, beware of what you do; I am a gentleman, and a minister; and you have villified my character. Well, said I, if I have done it, you are the father of it; you have taught this to me. I then demanded satisfaction for what he had said. He replied, I shall give you none. I replied, I am full warranted to pursue this thing; you may now expect to meet me and some of my brethren in the church. Said Thurston, I care not what you do.

I left the room, being at Thurston's dwelling house at that time. I called on Mr. Parsons to go with me to Thurston to examine the matter; he refused; he, Mr. Parsons, said, that there could not be any reasonable satisfaction obtained of him, and when you have suffered as much from him as I have, said Mr. Parsons, you will then be perfectly satisfied of Thurston's character. I then called on deacon Bingham—he thought as Mr. Parsons did respecting Thurston. I then called on Mr. Henry Lee and Mr. Jonathan Allen—they went to Mr. Thurston's house. I then in conversation there, had a just occasion to charge Thurston with a falsehood, in relation to what he had said to Capt. Burgess. Thurston then acknowledged the falsehood, as there was not any possible way to prevaricate in that case. I then observed I wished to have an explanation of all our proceedings, and that before the church in the manner that the gospel points out. He then requested me to submit in writing to him my complaints, for the purpose of exhibiting them to a committee out of the church, those of his associates as appeared to me; for there was three or four that never had paid any attention to the difficulties in the church. I believed Thurston wished to leave it to those members and those only, by his conduct it plainly appeared so to me. All hopes were abandoned for an adjustment with Thurston in a christian manner, in my views of the subject. Thurston not long after, say in the month of January, 1820, called a town meeting to enquire into certain reports in circulation respecting his character, (as he said) the 20th of January, I believe the town meeting was, and then Thurston was not ready to answer to any thing. He there said that he would be ready at the adjournment of that meeting to some future day, if the town should agree on it, to be sifted like wheat, and that every man, woman and child, should know the character of your minister, and that they would love him ten times as much as ever. The town condescended to grant Thurston a committee, and that committee was to meet on the 15th of February following. They accordingly met. Thurston came forward and accused himself of certain things, viz. that he was said to have been guilty of fornication, and of getting one girl with child; and of getting a bundle of shingles from the school-house in a fraudulent manner; and that he had advised Doct. John Dewey to settle in Manchester, for the purpose of carrying on private dissection; or in other words, to barter away the dead bodies of his people, &c. The above named charges of fornication, and getting a girl with child, never was a subject of litigation in the church or town, to my knowledge. He further said that he was often with the women and girls. Thurston was then charged of slandering the inhabitants of Manchester indiscriminately, and proved I believe, to the satisfaction of every impartial man that heard the trial. Thurston would not proceed further. He said he would be tried by an ecclesiastical tribunal.

I further testify and say, that Mr. Thurston, screening himself from examination, at the meeting of the 15th of February, led us, a majority of the church, and a respectable part of the town, to inspect the situation of Thurston more close than ever. At length we who seceded came to the conclusion, that Thurston was guilty of sundry base charges, such as rendered him unfit for holding the office of a minister.

Charges that we should have alledged against Thurston, providing we could have a fair opportunity, either in town or council, are as follows:

No. 1. Thurston's conduct in Manchester had destroyed his usefulness as a minister.

2d. That Thurston, taking shingles from the school house in the manner he did, and making, as was believed, false statements to Mr. Burnham and Burgess, respecting them.

3d. Thurston had an agency in getting Dr. John Dewey to the town of Manchester, in the year 1815, and when there at Manchester, did advise said Dewey to tarry in Manchester as a physician, telling him that he might have a fine opportunity for private dissection, as there would not be the least difficulty in obtaining subjects there.

4th. Thurston had slandered the inhabitants of Manchester in a most disgraceful manner, contrary to the laws of God and man.

5th. Thurston called a town meeting, as I believe, for the purpose of obtaining a select committee, with the intention of evading a proper enquiry into reports contained in the afore mentioned charges.

6th. Thurston did bring two charges against himself, viz. fornication, and the report of his getting one girl with child.

Knowing that these base and unwarranted charges had never become a subject of litigation, either in church or town, to my knowledge, and that said false charges were produced by said Thurston, knowing himself that they would not prove true, for the express purpose, as I believe, of preventing those that were true coming out to the public view. I believed that Thurston did pretend to go into the country, and as he told me, to see Dr. John Dewey, then residing at Lancaster, New Hampshire, in order to get a letter or certificate from said Dewey, to exonerate him from the charge of dissection as reported in Dr. Mussey's letter. Further said Thurston did circulate a letter some time in the month of March, 1819, purporting to have been sent him by mail, and from Dr. John Dewey, and circulated by said Thurston as a true letter to exonerate him, said Thurston, from the charge of dissection, when at the same time I did believe, and those that seceded from him, that it was a false and forged letter, got up for the express purpose of acquitting him from a charge that I did believe him to be guilty of.

I further testify and say, that the foregoing charges, with all the attending circumstances, was sufficiently evident to my mind, and in the minds of others, that induced me to leave Thurston as a church member, together with a majority of the male members of the church, and a respectable part of the society, the 5th of April, 1819.

I further say, that my beliefs and opinions have since been confirmed, by seeing the testimony of John Dewey, that he had not written Mr. Thurston any such letter, neither has he signed any letter to Thurston since the year 1817, but that Thurston had written to Dewey to send him a certificate or statement, such an one as Thurston must have known to be false, in relation to Dr. Dewey's coming to Manchester. After many painful church meetings, and other measures, all to no purpose, the church members, or a majority of them, and a respectable part of the society, finding that they could not obtain what we conceived to be a fair hearing, on the principles of choosing a council, we seceded from Thurston and the society. The town then called a council on the same principles as it respects any charges that was to be brought before the council, as those that we the seceders proposed. The council set on the 2d of June, 1819, and when organized, they waited on the disaffected brethren, and wished us to hand them the reasons why so many of the church and parishioners had left the society. We accordingly attended to them. Mr. Parsons and Deacon Bingham was selected to repre-

sent the views of the seceders, and the papers were presented the council. We appeared, and r Parsons and Mr. Bingham attended to that duty. Mr. Parsons offered to prefer one charge, viz. that of Smith's testimony of Thurston's slandering the inhabitants of Manchester. Mr Parsons required that Thurston should be put on oath as well as Smith, providing he, Thurston, should be admitted to say any thing in his own behalf; but was replied to by Mr. Crowell, one of the council, that a minister of Christ was always under oath; and, said Mr. Crowell, all that they have produced is nothing but a bubble. He, Crowell, was replied to by Doctor Worcester, that what had been said by the disaffected had great weight, and would have weight always, as I understood him. The council forbore going into the merits of any of the causes on any investigation whatever. The council adjourned to the 17th June. The church members that seceded were invited to join them in dismissing and recommending Thurston; they all to a man refused recommending Thurston to any christian society whatever. We refused on the ground as we stated to the council committee, that Thurston was a bad man, and ought not to be imposed on any society whatever, as a minister of the gospel. The council committee gave us to understand that it was highly necessary for us to vote his dismission, if we could not vote him a recommendation; they said that they could not well proceed without, as they considered them that seceded as belonging to the church, and that it required a majority; we then agreed with council committee not to vote against *them*, in recommending Thurston, if they saw fit. This express agreement being entered into, we went up into the council chamber. Eight of us, two of the brethren, viz. Tyler Parsons and Henry Lee, left the room. They utterly refused having any thing to do about his dismission or recommendation. When we eight brethren got to the council chamber, they informed us that their votes were so blended, that it was to dismiss and recommend Thurston all under one vote; we then refused voting at all, either his dismission or recommendation. They then proceeded and called the church to appoint a chairman. There was, I believe, four church members present that never seceded from Thurston—Joseph Hooper, Nehemiah Goldsmith, Nathaniel Allen, and Stilson Hilton. Joseph Hooper was nominated by one of the four members, as chairman. The Council proceeded to call the vote to dismiss and recommend Mr. Thurston; the above named four members unanimously, I believe, voted for it. The eight members of the church, viz. Deacon D. L. Bingham, Obed Carter, Malachi Allen, Isaac Allen, Jonathan Allen, Israel Morgan, Doct. David A. Grosvenor, and myself, did not vote at all; we having previously agreed with the Council, not to vote to the contrary, before we understood the bearing that such a vote would have on us. The Council proceeded to declare the vote unanimous, notwithstanding there was four for it, and eight against it; *nemine contradecente* by the Council notwithstanding. And further say not.

JOHN GIRDLER.

*March* 4, 1823.

*The above named John Girdler personally appeared before me, David Colby, one of the Justices to keep the peace in the county of Essex, and was sworn to the truth of the above deposition by him subscribed.*

DAVID COLBY, *Justice of the Peace.*

I, ABIAL BURGESS, of Manchester, county of Essex, Commonwealth of Massachusetts, of lawful age, do depose and say, that in the year of 1815, I believe it to have been in the fall of the year in the month of November, a man came to my house with a letter of introduction and recommendation, by the name of John Dewey, of Hanover, N. H.—He, said Dewey, gave me to understand, that his intention was to settle in Manchester in the character of a physician, and that he wished me to give him my opinion as it respects his encouragement. I replied to him that Doct. Grosvenor was here, and I believed that the people were tolerably well suited with him. I rather declined giving him a decided opinion. I then recommended him to call on Major Burley Smith, and others in town. As no one appeared to encourage him but Mr. Thurston, he (Thurston) came to my house, and recommended Doct. Dewey very highly as a man of talents, and of a very reputable parentage and skill in his profession, &c. Not long after, I understood that Dr. Dewey had concluded to leave Manchester, as he told me, not finding encouragement in this town. Mr. Thurston was very busy in waiting on Dr. Dewey, but to no good effect. Thurston was at variance with Grosvenor at this time, and had been at times for years. I had been selected as one of the referees to settle the difficulty between them; but Thurston continued to interfere with Grosvenor's medicine and practice was the occasion of the business not being adjusted at that time, I believe. I asked Mr. Thurston if he ever advised Doct. Dewey to come to Manchester, in order for him to establish himself there in the character of a physician, or if he had any agency in Dewey's coming there. He repeatedly denied of having any agency in his coming there, or any knowledge of his coming whatever, before he, said Dewey, came there. I further testify and say, that in the year of 1818, I believe to have been about the month of July, I as one of the committee chosen by the town of Manchester, together with Mr. Tyler Parsons, Deacon D. L. Bingham, Major Burley Smith, and Capt. John Knight, for the purpose of superintending the building of a school-house in said town. We did agree with one Sargent Burnham for to build said house, and that Mr. Parsons was our principal contractor abroad and at home, and some time in the fall of the same year Mr. Thurston came to me about some shingles—informed me that he had sent and got a bundle of shingles, of those that was left at the school-house—and that Mr. Burnham told him, said Thurston, that he was authorised to sell them. Thurston further said, that Mr. Parsons was much offended about his getting them, and had sent Burnham to inform him of it. I replied to *Mr.* Thurston, that I did not know that *Mr.* Burnham was authorised to sell any thing belonging to the house. I then stated to him that Mr. Parsons had told me that he never had given Mr. Burnham liberty to sell any shingles, or any thing else, and he believed that you had got these shingles by way of contempt on the committee, and on him particularly, as you would not condescend to speak to him about them. You not being pleased respecting the locating of the school-house on the parsonage ground, and by way of contempt on Mr. Parsons as a committee man.

I further testify and say, that some time in the winter of the same year, the committee having met for the purpose of closing their accounts, they met at the tavern in Manchester, and not being satisfied about Mr. Thurston's taking the shingles in the manner he did, we sent for *Mr.* Burnham the master builder for to explain what Thurston said to him in order to obtain them. I then told the committee that Mr. Thurston in conversing about the shingles with me, said, that Mr. Burnham informed him, that he was authorised to sell them—Mr.

Burnham being present replied, if Thurston said so he (Thurston) is a liar—for I never told him any such thing. But on the contrary Burnham said he told Thurston that he was *not* authorised to sell any thing belonging to the house—but did further tell Thurston no doubt he could have the shingles by applying to the committee. We then as a committee proceeded to examine this thing, finding that Thurston had made false statements to one or both of us, and we then wished to be satisfied for what reason. I then concluded, that Thurston took the shingles in the first place by way of contempt on the committee, and particularly Mr. Parsons, as Mr. Parsons was the principal acting man in the committee, and Thurston not being on good terms with him—and further, Thurston not feeling pleased with the setting the house on the parsonage ground—he was not social with any one except John Knight.—Thurston did tell me, that he did apply to Capt. Knight's wife respecting the shingles, and that Mrs. Knight replied that she heard Mr. Knight say there was shingles left of the school-house. Knight not being present, the above was all the information we could get on the subject. We found by looking over the circumstances, that Thurston had lied to me, and to Mr. Burnham too. Mr. Parsons then observed among other things, that if Thurston's character was that of a noted thief, he should consider it an act of stealing in Thurston—or, said Parsons, if Thurston or either of us should take a piece of goods in Cornhill, Boston, the same way, in his opinion we should be apprehended as a thief. The above is to the best of my knowledge and belief, the substance as said by Mr. Parsons and by Thurston about the shingles.

I further testify and say, that there were serious difficulties in Manchester with Mr. Thurston, owing to certain reports in circulation respecting dissecting business, the shingle account, and the disposition Mr. Thurston appeared to exhibit at a meeting of the 20th of January, 1819, and at the meeting at the school-house of the 15th of Feb. 1819, for the purpose of enquiring into certain reports in circulation as Mr. Thurston said was injurious to his character. He then said, that it was reported that he was guilty of fornication, and was often with the women and girls, and had got one girl with child, and that he had advised Dr. Dewey to Manchester in 1815, for to carry on private dissection, and that he had taken a bundle of shingles from the school-house in a clandestine and fraudulent manner. The committee having agreed a majority of them, that to have any charge preferred against Mr. Thurston there must be two evidences—it caused much debate—but Mr. Tyler Parsons offered to prefer one to begin with, although he considered it a deviation from the rule entered into the 20th of January, when this meeting was appointed. I was one of the committee, and had uniformly been a friend to Mr. Thurston, which led me to indulge him at this meeting further than we should have done. He had pretended all he wanted was a fair trial, and that he should prove an innocent man, and to use his own language, he said he was willing to be sifted like wheat, and that every man, woman, and child, should know the character of your minister, and that they would love him ten times as much as ever—this was said by Thurston at the meeting of the 20th Jan. 1819—the charge was brought by Mr. Parsons, and proved by Major Burley Smith, the case of Mr. Thurston's slandering the inhabitants of Manchester in 1815—the manner that Mr. Thurston adopted to rid himself of the charge, the evidence he produced, all tended to show his guilt of that charge. I then began to believe that all his pretences to innocence were false. I believe that the most part of the committee were satisfied that Thurston was guilty as alleged by Smith. Mr. Thurston then said he would not proceed any further, that he

had got more than he could bear, and that he would be tried by an ecclesiastical tribunal—the committee excused him from proceeding further— The committee never made any report to the town. The difficulty with Thurston began to increase—meetings by the church and by the town. At March meeting considerable clamor respecting raising Thurston's salary. Mr. Thurston had previous to this time predicted he should have a letter to acquit him from the charge of advising Dr. Dewey to Manchester, and when there to advise him to the practice of dissection, as was stated in a letter from Dr. Mussey of Hanover, to Dr. Sewall of Essex, then Chebaco. About this time, the 1st of March, 1819, Mr Thurston came to my house, and informed me that he had received a letter from Dr. John Dewey acquitting him from the dissecting business, agreeable to his *prediction* and expectation. I replied to Mr. Thurston, I am very glad—for you was placed in a very unpleasant situation with respect to that charge. Said Thurston. I have taken *great pains* in order to obtain *this letter;* but I have made out at last. He then gave me to understand that all the charges would turn out *the same*, noiwithstanding it appeared against him at that meeting of 15th February. Mr. Thurston read this letter to me by my request. I thought as he read it, that it did not acquit him so explicitly as I expected of that charge. I then took the letter and read it; and from the manner of expression, and the hand writing of the letter, I thought it was not from Doct. Dewey, as I had seen his writing—notwithstanding it was signed John Dewey, the body of the letter and the signature was two hands writing, as appeared to me.

My family being sick at that time, I said but little to Mr. Thurston. In a few days after, Thurston came to my house, as he was to attend the funeral of my daughter the next day; Capt. David Crofts, and Capt. Samuel M. Williams, present When Mr. Thurston was going out of the house, he asked me to step out in the entry way—he then introduced this letter business; some considerable conversation. I then requested him to let me have the letter to show Capt. Crofts and Capt. Williams, in order to satisfy them; as I had told him that it was said to be a false letter, in the opinion of some.

Thurston refused letting me have the letter to show them, and refused giving me a copy of the letter. Said Thurston, this people is bent on mischief. I was then convinced that it was a *false letter*, got up for the purpose of acquitting him from the charge of dissecting business. I then concluded that Thurston was guilty of all the charges alleged against him by the inhabitants of Manchester. I was then confirmed in my mind, that the charges he brought against himself, of fornication, &c. was brought to cover up those charges that were true; as two of the charges Thurston brought were not even made a subject of legislation in Manchester, to my knowledge.

I further testify and say, that there was not any charge presented the council, as preferred against Thurston except one, viz. the case of Thurston's slandering the inhabitants of Manchester, that was offered by Mr. Parsons—but the council refused going into the merits of it. And from the whole proceedings of Thurston, I was induced to believe Thurston a man regardless of the truth—piety—morality. And further say not.

ABIAL BURGESS.

*Manchester, March 3, 1823.*

*The above named Abial Burgess, personally appeared before me, and was sworn to the truth of the foregoing deposition, by him subscribed.*

DAVID COLBY, *Justice of the Peace.*

I, DANIEL ANNABLE, of Manchester, in the County of Essex, and Commonwealth of Massachusetts, of lawful age do depose and say, that some time in the fall of 1818, Mr. James Thurston was reported to have been guilty of advising Doct. John Dewey to Manchester, in the year of 1815—and when at Manchester, he, said Thurston did tell him it was a good place for dissection. As soon as this report came out, Mr. Thurston did deny it—and also denied having any agency in getting Doct. Dewey to Manchester. He, said Thurston did pretend to go in the country, in the month of December, 1818, for the purpose of obtaining a statement of Dewey, to clear him from the dissection business. And on his return, I called on Mr. Thurston, at his dwelling-house, to enquire of his success. Thurston gave me to understand, that he had been two hundred miles, and that he had accomplished his object, and that he had a tedious journey, and with the help of two or three horses, he had performed this journey. I then asked him how he made out with Doct. Dewey, and how the report of the dissecting business was. He said that it is without any foundation, not even the shadow—and not so much as there was about his stealing the shingles; for, said Thurston, there was some shadow of a foundation for that. This was I believe in the month of December, 1818. And further say not.

DANIEL ANNABLE.

*Manchester, March* 15, 1823.

*The above named Daniel Annable, personally appeared before me, and was sworn to the truth of the foregoing deposition, by him subscribed.*

DAVID COLBY, *Justice of the Peace.*

The reader will see that Thurston tells Mr. Annable there was some foundation for the story respecting his stealing the shingles, notwithstanding he prosecutes me with all the energy that it is possible to conceive of for the manner which I construed the business. I ask, did not Thurston bring this action against me, knowing that I had committed myself in the law, in respect to his obtaining the shingles, and knowing that he should recover the cost at least, and of course, the public would be led to suppose him innocent of every charge that the seceders had against him. Look at all his threats to Girdler, and all his serpentine manœuvering with that false letter, pretended to have been received from Dewey; then judge of his intentions.

The character of Thurston is portrayed in Girdler's testimony, and Burgess' and Burnham's, as large as life. There you see him to Burnham, endeavoring to get Burnham to give him a false statement, and to swear to the same in love, as Burnham says. You see him requesting Dr. Dewey to give him a false statement, as in Dewey's deposition. Burgess says he made false statements to him. Girdler says he made false statements to him. This is the man that says in his memorial to the council, his only ambition was to preserve the affections of his flock.

Refer to the memorial.

I REUBEN D. MUSSEY, of Hanover, in the county of Grafton, and State of New Hampshire, of lawful age, do testify and say, that in the year 1818, early I believe in the summer, in conversation with Doctor John Dewey, of Lancaster, in this state. I stated to him Dr. Sewall's difficulties at Ipswich, and the strong part that the Rev. Mr. Crowell of that place and the Rev. Mr. Thurston, of Manchester had taken against Doctor Sewall. That on hearing this Doctor Dewey expressed much surprize that Mr. Thurston should have so far changed his views, since he, said Dewey, was at Manchester, with a view to establish himself there in the practice of his profession. That he, said Thurston, in a conversation with said Dewey, offered, among other inducements for him to remain in Manchester, the facility of procuring subjects, and of prosecuting private dissections there.

I further testify and say, that in the autumn of the same year, 1818, (I believe it to have been in the month of October) Dr. Dewey, in a conversation I then had with him, confirmed the above statement; but expressed an unwillingness to give an affidavit of it, from motives, as he told me, of regard to Mr. Thurston's character, and gratitude for kindness shewn him (said Dewey) by said Thurston.

Question by Tyler Parsons.

Did you ever put into the hands of Doctor Thomas Sewall, of Ipswich, any demand you had against Doctor David A. Grosvenor, of Manchester, for collection?

Answer by deponent—I did; a note for fifty dollars signed to me by said Grosvenor. And further saith not. REUBEN D. MUSSEY.

STATE OF NEW HAMPSHIRE.—GRAFTON, ss.

On the fifteenth day of March, in the year of our Lord eighteen hundred and twenty, the aforesaid deponent was examined and cautioned and sworn, agreeably to law, to the deposition aforesaid, by him subscribed, taken at the request of Tyler Parsons of Manchester, in the county of Essex, in the Commonwealth of Massachusetts, merchant, and to be used in an action of trespass, on the case now pending between James Thurston of Manchester aforesaid, clerk, plaintiff, and the aforesaid Tyler Parsons defendant, before the Justices of the Circuit Court of Common Pleas, to be holden in the county of Essex, and for the county of Essex and Commonwealth of Massachusetts, on the third Monday of March instant, the adverse party living more than twenty miles from the place of caption, was not notified, the said deponent living more than thirty miles from the place of trial, is the cause of taking this deposition. BENJ. T. GILBERT, *Just. of Peace.*

*Essex, ss. C. C. C. P. March* 7, 1820.

Opened in Court, and filed.

*Attest.* ICHABOD TUCKER, *Clerk.*

*Fees and Expenses for taking this Deposition, viz.*

| | |
|---|---|
| Writing and caption, - - - - | 1 00 |
| Subpœna and summoning, &c. - - - | 50 |
| Deponent's attendance, &c. - - - | 40 |
| | $1 90 |

The reader will notice a question to Mussey by me respecting a note of fifty dollars, being irrevalent to the deposition—the reason of my asking that question—Thurston, you will remember, had stated to Maj. Burley Smith, that Dr. Grosvenor had cheated Dr. Mussey out of this money, which is a false statement by Thurston.

Doct. Grosvenor has an affidavit from Dr. Sewall, certifying that he received the money of Grosvenor—I have seen it. Grosvenor being absent from this town now, or I should have produced his affidavit to this effect. Here you see Mussey testifies to the truth of what Dr. Dewey told him respecting the conversation that Mr. Thurston had with Dr. Dewey at Manchester, in the year 1815, about dissection. If Thurston had not been guilty of this advice, would he not have long since called on Dr. Dewey by the law? has he not every opportunity—has not Dr. Mussey written to that effect, and testified to the same? I presume you will say that Mr. Thurston does not dare to bring up Dewey for telling the truth, although there was probably no one to hear the conversation between them. Look at the letter sent Dewey by Thurston, dated Jan. 14th, 1819—there you see Thurston wants Dewey to give him an *honorable letter*. He then tells him if he does not give him such a letter, *painful consequences will ensue*, &c.—*hear the threats*. Dewey, finding that Thurston begins to threaten him, he lets Thurston all alone—he does not write him at all. It seems that Thurston had already written him to give *a false statement*—this Dewey discloses to him, in order to shew Thurston where *he stands* in relation to the *whole transaction*.

You will see in Thurston's letter to Dewey, dated January 14, 1819, then he says to Dewey that there's a town meeting going on in consequence of the difficulties arising *entirely from this source*. I ask, is not this a false statement by Thurston. When he appeared at the town meeting, 10th Jan. & 15th Feb. was not this charge the last charge he produced? and further, does it not appear from his own statement, that Thurston produced the two first charges, 15th of Feb. 1819, against himself for the express purpose of preventing the above charge of dissection and other charges coming to public view.

I presume to say, if we had copies of all the letters that Thurston has written Dr. Dewey, we should be able to explain the whole matter why Thurston has not long since prosecuted Doct. Dewey even for telling the truth.

The reader is requested to read Dewey's depositions carefully.

I JOHN DEWEY, of Lancaster, in the county of Coos, and State of New Hampshire, physician and surgeon, of lawful age, do testify and say, that I was at Manchester, in the county of Essex and Commonwealth of Massachusetts, about the latter part of November, 1815, and there had letters of introduction to a Capt. Burgess and others of said Manchester, and there saw and conversed with the Rev. James Thurston, then the minister of said Manchester; but do not now, after a lapse of four years, recollect desultory conversation occurring at that time, any account or relation of any such conversation that I have made to any person or persons, I believe to have been consistent with the strictest regard to truth; and that I have never in any conversation, or at any time been disposed to injure the said Mr. Thurston. I have not written the Rev. Mr. Thurston any letter, or forwarded to him any letter; neither do I recollect to have made any verbal communication to him, or seen him. Neither have I any reason to believe that he has been in this part of the country since the close of the year 1817. I have an impression that the said Rev. Mr. Thurston did know that there was some probability of my going to Manchester before I went there, and that he had

some agency in relation to my going there, although he has by letter requested me to give a certificate or statement to the contrary, or requested me to certify to what I think he must have known to be false. Yet it is possible that this my impression may be an incorrect one. I did not, however, receive any letters from Mr. Thurston, previous to going to Manchester, and I never was there at any time, except in the fall of 1815.

*Lancaster, March* 13th, 1820. JOHN DEWEY.

Quest. by Tyler Parsons. Doctor Dewey, have you ever written Mr. James Thurston on the subject of dissection, since you was at Manchester, by way of denying or confessing what you said to Doctor Reuben D. Mussey at Hanover, or any where else on that subject?

Ans. by Deponent. I have not written any letter or letters to Mr. James Thurston since the close of the year eighteen hundred and seventeen.

Quest. by Tyler Parsons. Then you say if Mr. Thurston has got a letter by mail or otherwise, purporting as coming from you, and directed to him, since the year eighteen hundred and seventeen, it is false: and if your name is to it, it was written by some one else, and is forgery.

Ans. by Deponent. I have not written, neither can Mr Thurston have received from me any such letter since the year eighteen hundred and seventeen, neither have I signed any such letter.

*Lancaster, March* 13*th*, 1820. JOHN DEWEY.

STATE OF NEW HAMPSHIRE, Coos, ss.

On the thirteenth day of March, in the year of our Lord one thousand eight hundred and twenty, personally appeared before me (at Lancaster, in said county of Coos) Samuel A. Pearson, a Public Notary, within and throughout the State of New Hampshire aforesaid, duly appointed, commissioned and sworn, the aforesaid John Dewey, and after being carefully examined and cautioned to testify the truth, the whole truth, and nothing but the truth, made solemn oath that the aforesaid deposition by him subscribed, contains the truth, the whole truth, and nothing but the truth, relative to the cause or subject matter for which it is taken; taken at the request of Tyler Parsons, of Manchester, in the county of Essex, and Commonwealth of Massachusetts, merchant, to be used in an action of slander or plea of the case, now pending between James Thurston of said Manchester, clerk, plaintiff, and the said Tyler Parsons defendant, and to be tried before the Justices of the Circuit Court of Common Pleas for the middle district, for the counties of Essex and Middlesex, to be holden at Ipswich in the said county of Essex, on the third Monday of March instant. The adverse party living more than twenty miles from the place of caption, was not notified, and did not attend; the said deponent living more than thirty miles from the place of trial, is the cause of taking this deposition. SAMUEL PEARSON, *Notary Public.*

*Essex, ss. C. C. P. March Term*, 1820.

Opened in Court, and filed.

*Attest* ICHABOD TUCKER, *Clerk.*

*Fees and Expences of taking this Deposition, viz.*

| | |
|---|---|
| Notifying deponent, - - - - - - | 77 |
| Deponent's fees, - - - - - - | 56 |
| Notary's fees, - - - - - - | 1 67 |
| | $3 00 |

I JOHN DEWEY, of Lancaster, New Hampshire, of lawful age, do testify and say, that in November or December, 1815, I was at Manchester, in the county of Essex and Commonwealth of Massachusetts, at that time, (which is the only time that I ever was in said Manchester) became acquainted with the Rev. James Thurston, then the minister of said Manchester; and that I do not now recollect of any improper, unjustifiable or censurable conversation of the said Mr. Thurston. I believe that I never saw the said Mr. Thurston at any time or place, and I have not, as I recollect, made to, or received from him, any verbal communication, or forwarded any letter to him since 1817—and further I say not. JOHN DEWEY.

Quest. by Tyler Parsons. Did the Rev. James Thurston know of your intentions to settle at said Manchester as a physician, some time in the year 1815?

Ans. Yes, he did. When at Manchester in said November or December, I called upon him and informed him that I had been advised to settle in that place.

Quest. by same. Did the said Thurston recommend that town to you as a favorable place for you to settle in the line of your profession?

Ans. While I was at Manchester Mr. T. expressed a wish that I would continue there, and a belief that I might do well, if I would tarry there.

Quest. by the same. Did said Thurston inform you that Doctor Grosvenor was about to leave town?

Ans. I have no recollection that he ever did.

Quest. by same. Did said Thurston state to you, or intimate to you that said town would be a convenient place to practice dissections, and that subjects for dissection might be easily obtained there? If any conversation or intimation on the subject, state what it was as respects the subject of dissection.

Ans. It is now more than four years since I was at Manchester, and no particular circumstance then occurred to lead me to treasure up conversation upon subjects of this nature, and I do not now recollect conversation of the Rev. Mr. Thurston relative to dissections. It is not improbable that I might say something to him upon the subject. His answer, if he made any, or his conversation upon the subject, I do not recollect.

Quest. by same. Did said Thurston, or did he not, say any thing, or intimate any thing to you, relative to the subject of dissection?

Ans. I do not now recollect any conversation with Mr. Thurston upon the subject.

Quest by same. Did Mr. Thurston say or intimate to you, that subjects might be obtained?

Ans. If he did, I do not now recollect it.

Quest. by same. Said Thurston has shewn a letter, purporting to be written by you to him, dated in or about the month of February, 1819, tending to exculpate himself from having any connexion with the dissecting business. Now did you ever write him any such letter?

Ans. I have no recollection of ever having written or forwarded any such letter to him.

Quest. by same. Has said Thurston written you a letter or letters, requesting you to make statements, or say something in his favor, which were incorrect?

Ans. I do not now think of any instance in which I *know* that he has.

Quest. by same. Must the said Thurston have known that certain things which he requested you to state or certify in his favor were false?

Ans. In so far as I now recollect, I do not *know* that to be the case.

Quest. by same. Has the said Thurston, by appeals to your hopes, fears, or affections, endeavored to persuade you to make false statements, in his favor, for the purpose as he said, of preventing his being dismissed or driven from his people?

Ans. I do not recollect of his having requested me to make any statements that I *know* to be false.

Quest. by same. Has the said Thurston informed you that serious consequences would result to you and himself, unless you made false statements in his favor?

Ans. I do not at this time think of any statements that he has requested me to make, which I *know* to be false.

Quest. by same. Did said Thurston ever inform you that he was in danger of being driven from his people in consequense of reports, that he countenanced the practice of dissection, or to use his own phrase, of "bartering away the dead bodies of his people?"

Ans. I think something nearly to that amount.

Quest. by same. Did you relate what said Thurston had said to you on the subject of dissection to Dr. Reuben D. Mussey of Hanover, at a time when the same was fresh in your memory?

Ans. I do not recollect any conversation with Dr. Mussey when Mr. Thurston was present.

Quest. by same. Do you recollect any conversation with Dr. Mussey relative to the same, when Mr. Thurston was not present?

Ans. Not any for which Mr. Thurston could be answerable.

Quest. by same. Did whatever you told Dr. Mussey, relating to the difficulties in Manchester with parson Thurston, conform strictly to the truth when related to him?

Ans. If I ever told him any thing about any difficulties at Manchester, I have no reason to suppose that I told him any thing that was not strictly true, as I could have no possible inducement to deviate in the least from the truth.

Quest. by same. Do you recollect any conversation with Dr. Mussey on the subject of said Thurston's conduct towards Dr. Sewall, or with regard to Dr. Sewall's difficulties?

Ans. Not any in which Mr. Thurston took a part.

*Lancaster, N. H. April* 20, 1820. JOHN DEWEY.

Deponent's fees, $1 46

*ESSEX, ss. Sup. Jud. Court, April Term, A. D.* 1820. Opened and filed.

*Attest*, ICHABOD TUCKER, *Clerk.*

In looking carefully over Dewey's testimony, and Doct. Mussey's, together with the letters from Mussey and from Thurston to Dewey, gives the reader a full view of the whole business. The reason that Doct. Dewey gives for not coming out, and boldly testify full to the conversation between him and Thurston, is owing to *kindnesses received from Thurston. What kindnesses* were these? Did not Thurston aid him, and had an agency to get Dewey to Manchester, in 1815? And when there, did he not do all in his power to have him stay there? All attention was paid Doct. Dewey from Thurston. Surely, Dewey must feel himself under great obligation to Thurston, for all the pains he took with him, providing Thurston did not deceive him in relation to his

prospects in Manchester. But Doct. Dewey tells Mussey this conversation was in confidence, and is given as a reason why he did not give an affidavit, as I understand him. Dewey says, that whatever conversation he may have had with any one, (meaning as you will see by his deposition, conversation respecting what may have passed between James Thurston and him, in relation to dissections,) was made with a strict regard to the truth.

Now if you believe Doct. Mussey in his testimony, you then will believe that Thurston advised Dewey, as stated in Mussey's letter to Sewall. Then in Dewey's last deposition, you will see that Dewey felt disposed to aid Mr. Thurston all he possibly could. Did he not do all in his power to prevent the truth coming out directly from him? Did he not suppose if he testified full to the point, and that should be known abroad, it would be prejudicial to his interest as a physician. This is the reason why this conversation was in confidence, in my opinion. And further reason—as Mr. Thurston had done all in his power to aid Dr. Dewey—he Dewey says he does not wish to injure Mr. Thurston, as you will see in Dewey's deposition. The mode that Dewey adopted in deposing and answering the questions, I believe, will be considered as amounting to as much as if he testified to the point. If such a deposition was before a jury of enlightened men, I believe they would consider it as such. You will see the stress he lays on the word *know* in Italicks; all this diffidence with Doct. Dewey, in relation to the conversation of dissection business.—After that, you find he testifies to the letter affair, *full* and *decided*. Then he says that he has not written or signed *any letter* at all to *James Thurston, since the year* 1817—neither has he reason to *believe* that Thurston had been in that part of the country—and neither has he seen *James Thurston* since the close of the year 1817. I submit my remarks on Doct. Dewey's depositions, to the candid reader to judge of the propriety of them for themselves.

I proceed to remark—Thurston dismissed 17th of June, 1819. The town by their vote 22d of October, voted not to accept the doings of the council. Thurston finding no money to be obtained that way, he then begins to think it is time to get some, some other way—'by the law.'

I shall now proceed to give some general views of the suit brought against me; it will be my object to give you the subject matter in as concise a manner as possible, that the reader may be able to judge of Thurston's motives and my own. Sometime in the month of February, after his dismission, which brings it 1820, Mr. Manfield, Deputy Sheriff of the county of Essex, served a writ of attachment on nearly all my real estate, for the sum of three thousand dollars damages, to answer to James Thurston, in a plea of the case, &c. to appear at Ipswich Court, March, 1820—the case was continued to April term; the parties appeared with a retinue of evidence on both sides. At that court, the day before trial came on, the council entered into the arrangement of settling the thing before a reference. The referees were accordingly agreed on by council, viz: Artemas Ward, and Lemuel Shaw, Esq'rs. of Boston, Samuel Hoar, Esq. of Concord, Mass. taken out of Court, and to come before these gentlemen. The referees accordingly gave me notice of the time and place of setting, which was in Salem in the month of June, 1820. The parties then and

there appeared with their evidence. On the part of the plaintiff a large number of evidences were summoned, to testify to what I should always have been ready to acknowledge—and some others testified to that which was never said or done to my knowledge or belief The Court having organized themselves, (council for the plaintiff, Daniel Webster, Esq. of Boston, Leverett Saltonstall, Esq. of Salem;) for the defendant, (William Prescott, Esq. of Boston, David Cummins, and Benjamin R. Nichols, Esq. of Salem;) the Writ (read by Mr. Saltonstall,) alleged, I believe, eight counts; all relating to lying and stealing—having reference to the plantiff's stealing a bundle of shingles from the school-house in Manchester. Further—I believe the writ alleged that the defendant had instituted a mock trial on the plaintiff, &c. at a public house in Manchester. The charge relied on was stealing. The writ as I understood it, claimed special damages as the Minister of Manchester. Mr. Saltonstall opened the cause in behalf of his client, with such remarks as he chose. The defence was opened by Mr. Cummins, in that way which was calculated to show a just defence, providing the laws would admit in this case of such a rule. The evidence was then called in support of the writ.

1st count in the writ. Thurston is a thief and a liar, and I can prove it; he stole a bundle of shingles, and is a liar for denying it.

2d. Thurston is a thief and a liar; let him say that about me and I would take him up for it. He stole that bundle of shingles, and if he had done such a trick in Boston, he would have been taken up for it very quick.

3d. Thurston is a thief and a liar; he stole a bundle of shingles, and is a liar for denying it.

4th. Thurston is a thief, and I can maintain what I say.

5th. Thurston is a thief.

6th. Thurston is a thief and a liar; and we are going to try the Rev. Mr. Thurston again as a thief and a liar.

7th. He has taken up the business of thieving and lying; it is time to dismiss a minister when he has taken up this business.

8th. Thurston is a thief.

I will here remark, that this suit is brought by Thurston, a minister of the gospel, (as he pretended to be,) and brought without ever saying one word to me in his life respecting any injuries sustained by me whatever. I make this remark here, because that I have heard that Thurston should say he had tried every way for redress, but could not get any of me.

The first I knew of Thurston in relation to the shingle business, he attached about all my real estate. His attorney did not even request me to attend to any thing of the kind, as is usual for gentlemen to do. To proceed, this suit was brought when there was much heat and ill will got up in Manchester, as you will see by the meetings. Therefore it called into action on the part of the plaintiff, as I shall be able to show you; a list of the characters in support of his writ.

Sargent Burnham, master builder of the school-house, from which Thurston obtained the shingles. William Pert, Lyman Berry, he lived at a tavern as a servant, to take care of the horses, at the time that the committee for the school-house set at the tavern to close their accounts; what is called in the writ, a mock trial of Thurston. Zaccheus Goldsmith—a Mr. Brown of Ams-

bury, then at work at Manchester, when he heard the words of his testimony spoken by the defendant. A Mr. Brown of Dorchester—passing through Manchester and heard certain words spoken as he says by defendant. Ephraim Cloutman, a man from Salem poor-house.

On the stand—Mr. Sargent Burnham testified that the defendant sent him to Mr. Thurston, to tell him to bring the shingles back that he had got from the school-house. Mr. Parsons said that he considered nothing more than theft—for the particular circumstances that led me to say to Burnham, as testified; which was, I believe, true; you will see in Burnham's affidavit annexed.

I will here remark, that Mr. Burnham being Thurston's evidence, I was cautious asking many questions—therefore he went off the stand without stating the whole truth. He does not tell us so directly as he does in his affidavit, that Thurston came to him for the purpose of getting him to swear falsely, as Burnham says in his deposition. The reason Mr. Burnham assigns for not stating it in court is, that he expected the question would be asked him. I refer you to Burnham's affidavit to show how it should stand.

William Pert's testimony was, that he heard Mr. Parsons say that Thurston was a thief and a liar; or in other words, we are going to try James Thurston again for a thief and a liar; he heard these words spoken at the tavern, the evening the committee was there, &c. as he (Pert) said. Further—said Pert, stated, that at Boston at Petis & Hamilton's tavern, he heard Mr. Parsons say that Thurston was a thief generally, no qualification. These two counts if I recollect, is Pert's testimony. Now let the candid reader examine the circumstances, and the reputation that appears to be attached to what Pert generally says, and then judge. You will recollect that Pert makes one fourth of all the writ: and further, that what he says is not qualified at all in relation to taking of shingles, or any thing else in particular. Pert on being cross-examined, said that he was not in the tavern at that time, but under the side of the house. Now see what is brought to show that his first testimony in the first count was false; and for the last, I ask the reader to judge whether it is likely to be true.

John Perry Allen testifies, that on the 24th day of May last, on board the sloop Dove, of Manchester, in presence of Jonathan Hassam, the master of the sloop, Capt. John Lee, and William Pert, being present, and was speaking of a certain man getting a recommendation from the selectmen of a town, in a certain case, which was of great service to him. Capt. Hassam then replied to Pert, you could not get a recommendation of the selectmen when you wanted it. No, said Pert, I went to Parsons, (meaning the defendant,) he being one of the selectmen at that time, and he would not give it to me. Damn him, said Pert, I would lose a voyage or stay at home three weeks, for the purpose of giving a deposition against him. Hassam then replied to Pert, did you think you should ever have an opportunity of revenge against Parsons at the time he refused to give you a recommendation? No, said Pert. Hassam replied, did you mean to embrace it, if you did? Yes, by God I do, said Pert. Here you see his malice and intentions.

Capt. Samuel M. Williams testified, that in conversation with Pert, in his store, some time after the evening the committee met

at the tavern, Pert asked him what was going on at the tavern that evening, and what was said about Thurston. Williams replied to Pert, were you not there? No, said Pert, I was listening under the windows outside, and heard a good deal of noise; but the wind blowed so hard I could not tell what was said.

I will now state to you the particulars respecting the recommendation that Pert alluded to, when conversing with Hassam on board the sloop. Some time in the year of 1817, I believe it to have been in the middle of July, William Pert applied to the selectmen of Manchester, Maj. Israel Foster, Henry Lee, and myself, selectmen, for the purpose of certifying to a court of the United States, that we did believe William Pert to be a man of truth, and that he had never violated the laws of the country, &c.—He had the certificate all written, as he told me, by his lawyer in Boston; he shew it to me, and wished me to sign it. He further stated to me, that his lawyer requested him to get a certificate from the minister of the place. I then asked him if he had got one. He said he had, and shew me one signed by James Thurston.

He further stated to me, that he had been to Foster and Lee, and that they sent him to me, saying to him, if I would sign a certificate of that kind, they would. He further stated, that he was prosecuted for a supposed violation of the laws, in regard to some coffee taken out of his vessel in quarantine ground; and that he was so situated in the business, that a certificate of that kind, would probably acquit him. I told him that I could not do it, but could say that others said he was a man of truth—having reference to Thurston's giving him a certificate; he tried that—his lawyer, (as he Pert said,) sent him the second time, and we refused signing such a certificate at all for Pert; as we could not in answer to our own consciences or our country; as we did not believe him to be a man that does regard the truth—and further, we did then believe he had violated the laws of the country, in relation to the coffee business.

The reader will now judge of the truth of Pert's testimony—you will first discover his wishes to have an opportunity; he there can without any hesitation, take the name of God to witness his wicked intentions. In the 2d place, you see that he must be false either to Williams or to the Court. 3d, which of these is probable that which can do me the most injury? The last of course. Is a man generally considered to be a man of truth, strictly so, when he cannot obtain a certificate of the town officers, to certify only to the best of their knowledge and belief, that he bears this character. Thus far Pert's testimony and remarks.

Lyman Berry's testimony you will recollect; he lived at the tavern. He stated that when he lived at the tavern, he heard Mr. Parsons call Mr. Thurston a thief a thousand times; this was about the amount of his testimony. Look at his testimony and at his character; he there says a thousand times. He does not tell when and why; nothing but he heard Mr. Parsons say that Thurston is a thief a thousand times. This same Lyman Berry, when living in the family that kept this tavern, he went abroad and belied his mistress; and when called on, he acknowledged that he had done so, knowing it to be false, and signed a certificate to that effect.

[CERTIFICATE.] *Manchester, January 26th, 1820.*

Know all men by these Presents, that I, Lyman Berry, of Manchester, in the County of Essex, testify and say, that I have reported unfavorable things against Hannah, the wife of Benjamin Thompson, that has been injurious to her moral character, and without any reason for said reports. I further testify that Mrs. Thompson has always treated me well.

LYMAN BERRY.

*Attest*, DAVID COLBY. *The above is a true copy.*
*Signed*, HANNAH THOMPSON.

*Boston, April 8th*, 1823.

I will here remark, that I was unacquainted with the character of Lyman Berry, at the time he gave his evidence in court. Had his character been fully known at that time, his evidence could have had no weight. To the best of my knowledge and belief, his evidence was false

Zaccheus Goldsmith's deposition I next refer you to. He proves one count in the writ. I believe his testimony was given to the best of his knowledge.

I ZACCHEUS GOLDSMITH, of Manchester, in the county of Essex and Commonwealth of Massachusetts, mariner, of lawful age, depose and say, that about the last of May last, I was at work upon a vessel in Manchester, at the town landing, so called—Mr. Parsons and a number of other gentlemen were present; I heard them talking about a bundle of shingles, Mr. Thurston was said to have taken from the school house. They had got pretty much through with their talking, when Mr. Parsons stepped on to the stick of timber that I was hewing, and said, "at any rate, he is a thief and a liar—let him say that about me, and I'll take him up for it pretty quick." He said, "If he had done such a trick in Boston, he would have been taken up for it very quick." That was all I heard, and the company went off.

Question by Rev. James Thurston. Were the declarations you have mentioned, concerning Mr. Thurston?

Ans. They were talking about Mr. Thurston before Mr. Parsons stept on to the timber. I heard Mr. Thurston's name mentioned two or three times: but Mr. Parsons did not make use of Mr. Thurston's name, when he made the declarations above stated.

Quest. by same. Have you heard Mr. Parsons use similar language concerning Mr. Thurston at other times?

Ans. No. I have heard Mr. Parsons and other gentlemen talking about Mr. Thurston, and have heard a word or two, but nothing that I can recollect. When Mr. Parsons made the declaration to which I have testified, I thought he meant what took place in relation to the bundle of shingles—this was my understanding at the time.

Quest. by Tyler Parsons. Did you hear Mr. Parsons say Mr. Thurston was a thief and a liar?

Ans. I did not hear him say "Mr. Thurston"—I did not hear him call any body by name at that time.

Quest. by same. Did Mr. Parsons make use of Mr. Thurston's name at all in that conversation?

Ans. I could not say that he did—I heard his name mentioned, but I know not who it was that mentioned it.

Quest. by same. Had the affair of the shingles any weight on your mind in relation to the dismission of Mr. Thurston from the Parish?

Ans. I do not know that I can say that it had any weight, or not. I tho't but little about the matter—I did not think any the worse of Mr. Thurston on account of the shingles, nor any better.

Quest. by same. Did you belong to Thurston's society 'till he was dismissed?

Ans. Yes.

Quest. by same. Do you know what the cause of Mr. Thurston's dismission was?

Ans. No, I do not.

(Signed) ZACCHEUS GOLDSMITH.

*Manchester, May 23*, 1820.

A Mr. Brown of Amesbury stated in substance, as Mr. Zaccheus Goldsmith, he being to work on the same vessel, I believe, and I think it probable he was actuated with proper motives "to testify to the truth." A Mr. Brown, of Dorchester, testified, if I understood him right, that he was passing through Manchester on his way to or from Gloucester, that he made some enquiries of the bar keeper in the tavern, what they were doing with Mr. Thurston. He said that there was a man there who replied we have been trying him for lying and stealing; and when asked whether he knew Mr. Parsons, he replied that he took me to be the person. Thus far Mr. Brown. As it respects the testimony, I cannot tell any thing about it. I have not the most distant knowledge of ever seeing Mr. Brown before in my life; therefore it is not in my power to judge of his evidence. Those that are acquainted with the man intimately, will be likely to be the best judges. To the best of my minutes, the above is the evidence without any qualification whatever.

The next evidence to prove the writ by, as it respects the words, is Ephraim Cloutman, of Salem; he said that he was coming from Boston in the stage in company with Mr. Parsons, and in conversation with some one respecting Thurston, he heard me say that Thurston had taken up the business of thieving and lying, and that it was time to dismiss a minister when he had taken up this business. What occasioned this conversation, and to whom, he does not have any knowledge. He seems to know precisely enough to make up one count in the writ. As he is a stranger to me, as I have not any knowledge of ever seeing the man before or since, neither do I recollect ever seeing him in a carriage, as he says. The character of this man is best known, I presume, to the church he formerly belonged to, and now stands excommunicated, and did then at the time he gave testimony, as I have since been informed. I believe him to be a worthless drinking character. I refer his testimony for the truth of it to those that are best acquainted with him. I will here remark, if the testimony of William Pert, Lyman Berry, and Ephraim Cloutman is to be believed, the writ is pretty well proved as it respects the words.

The evidence on the part of the defendant was sworn, to shew the general character of Thurston. Capt. William Allen was called; he stated that Mr. Thurston was considered a bad man in Manchester, in his disposition imprudent, and had slandered the inhabitants of Manchester; and further, he believed that Thurston would lie when it suited his interest, and that Thurston had done more mischief in Manchester, and had been the means of more disturbance, than any man whatever in the world; and that the taking of the shingles had no weight on the minds of the people at Manchester in relation to the dismissal of Thurston from Manchester. Thus much for Capt. Allen's evidence. This evidence you will recollect was one that never left the society.

Capt. Samuel M. Williams stated, that he considered Thurston to be a bad man, and that he had boarded some time with him. On being asked, if any others in Manchester excepting those that seceded had the same opinion—he answered he believed many others. On being asked what particular acts he was guilty of which constituted his character bad, if it was thief, or drunk-

ard; answer, not that he knew; but that he was a bad man generally, in the habit of slandering his church members, and the inhabitants of Manchester, and did not pay a due respect to the truth.

There was a cloud of evidence produced of the same in amount as the above, all tending to show that Thurston was a bad man, and was not suitable to fill the place of a preacher, and had behaved so in Manchester. You will remember that the rule that this action took, we were not allowed to prove any thing irrelavent to the case of theft; so of course we had the same in substance in all the testimony that testified to his general character. The testimony of Capt. John Allen, of Capt. Abiel Burgess, of Capt. Richard Allen, all was of the same complexion. The amount of it was, that Thurston is not to be believed for his having prevaricated with them in so many instances; and had conducted with the town in relation to the meetings he called, and the mode he had taken to *evade the truth.* The circumstances attending the charges against Thurston, gave his character, in our opinion, this index, as not being a man of truth, and that we had no confidence in him as a minister of the gospel—and that he had created much disturbance in the town, &c.

The reader will recollect, that on the part of the defence, we are not permitted to state any thing but what has a bearing to the action pending, of course here is where the failure took place.

The Rev. Mr. Dana was called and enquired of by the defendant's counsel if he did not know of the plaintiff sustaining the character that the evidence for the defendant had stated? He said he did not know so much before this time or this day, as I understood him. He was then enquired of if he was not on the council that dismissed Thurston? He said, yes. Did you not receive a written statement from the seceders, as scribe of the council, purporting that Thurston was a bad character, as the evidence for the defendant had stated? Mr. Dana then produced the paper; you will see, by looking to the papers submitted to the council on the 2d of June by the seceders, viz. the accusation brought against Thurston the 15th of February, 1819, as testified by Smith at that time. This was the paper produced by Mr. Dana to the Court. This paper was read by the defendant's council. You will see the amount of the charge of slander in that paper. The evidence was then called up to support the mock trial alledged in the writ.

1st. Sargent Burnham said that in the winter of 1818, he was called to the tavern in Manchester, to give an account of what stuff he had delivered from the school house. As I was the master workman of said house, and that the committee, Mr. Tyler Parsons, Dea. D. L. Bingham, Capt. Abiel Burgess, Major Burley Smith, and Capt. John Knight, was the committee, all present except Knight. When I got to the tavern, they were enquiring about a bundle of shingles that Mr. Thurston had received of me, as they said. Capt. Burgess there said that Mr. Thurston told him, that I said to Thurston that I was authorized to sell the shingles. I then declared if Thurston told him so, that Thurston was a liar. There was much said about the business of Thurston's getting the shingles. I then told the committee that Thurston came to me, and enquired if there was any shingles left, that was purchased for the house? I told him yes. Thurston then asked

me if he could have them? I told him, I had no doubt but he could by seeing the committee about them; and the next day Thurston sent the boy for them, and that I delivered them, supposing that Thurston had seen the committee about them; and that I had since seen Mr. Thurston and made some enquiries of him about his seeing the committee, and Thurston then told me, that he had settled for them, and that I need not trouble myself any more about it. The committee appeared to be put out about Thurston's lying about the shingles. I do not remember all that was said at that time. I soon came off about 9 o'clock in the evening. The foregoing is to the best of my recollection, the substance of Mr. Burnham's evidence.

Dea. D. L. Bingham, Capt. Abial Burgess, Maj Burley Smith, and Capt. Sam'l. M. Williams was called to show the fact how they came there, and for what purposes. I will here remark in adverting to the testimony of one of these evidences, you have the whole of them in substance. Here you will see all this great mock trial in Manchester. Dea. D. L. Bingham on the stand said, "that in the year of 1818, I believe to have been in the winter, myself and Mr. Powers, Capt. Burgess and Major Smith, were met at the tavern in Manchester for the purpose of closing our school house account, as we had been building a new house in the middle and town district, and that we were a committee together with Capt. John Knight, to superintend the same, and that Sargent Burnham was the master workman, and the man which undertook to do that business, the building of the house, and was present at that time, and that Capt. Knight was absent. On examining the accounts that Mr. Parsons produced, as he, Mr. Parsons, was the principal controller in all the business, we found that Mr. Sargent Burnham had given Mr. Parsons the account of all the stuff, that he had delivered to every one, except the account of some shingles that he had delivered to Mr. Thurston. We then enquired of each other if Mr. Thurston had applied to any of the committee for the shingles, and found that he had not. Capt. Burgess then said that Thurston called on him after he had got these shingles, and told him that he had seen Capt. Knight's wife about them, and that Mr. Sargent Burnham told him when he applied for them, that he (Burnham) said, that he was authorized to sell them. Mr. Burnham then denied it, and said if Mr. Thurston says so, he is a liar. We then appointed Capt. Samuel M. Williams, (he being present, chairman,) and began to examine the circumstances, and found that Mr. Thurston had got the shingles without leave of the committee. And further, it was stated as the opinion of the committee, that Mr. Thurston had made false statements, both to Mr. Burnham, where he said he had settled for them, and to Capt. Burgess, where he said that Mr. Burnham told him that he was authorized to sell them. There was much said about the business by the committee. I have the impression that Major Smith and Mr. Parsons made some general remarks about the taking of any thing in such a manner as appeared Mr. Thurston had in taking the shingles. When asked if Mr. Parsons did not declare Thurston a thief at that time,—answer, he (Mr. Parsons,) said if Mr. Thurston should have got a piece of goods in Cornhill in Boston, or either of us in such a manner, we should be apprehended as a thief in his opinion. And if Mr. Thurston's charac-

ter was that of a noted thief, he (Thurston) would have been considered a thief in this case, in his opinion. Bingham further stated that the committee did not think Mr. Thurston intended to steal the shingles, but did obtain them in the manner he did, by way of contempt on the committee; he not being on speaking terms, and not pleased with the school-house being on parsonage land; as he (Thurston) had refused to sign the deed in exchange of land.

I have here given you the whole in substance, of all the evidence in Bingham's testimony, and of the testimony of Burgess, Smith, Williams, and Burnham, on this mock trial. The reader will examine the affidavit of Burnham annexed. Look at all the circumstances, and then decide whether I did repair to that tavern for the purpose of instituting a mock trial on James Thurston or not. And when there, under such circumstances as I was placed, whether the remarks drawn against Thurston respecting his taking the shingles, were not just; and whether it does not appear that Thurston had made false statements about the shingles, both to Mr. Burnham and Capt. Burgess—as you will see the proof by looking at their depositions annexed. I submit this part of the business with great candor, with this belief, that the reader will make proper allowance for strong expressions; and at the same time will see they were qualified, providing Thurston's character was that of a thief before, I then said, and do now say, that I never intended to publish James Thurston as a thief, but did intend to say that James Thurston had obtained a bundle of shingles from the school-house, in an ungentleman-like and unchristian-like manner; and had made false statements in relation to the shingles, both to Burnham and Burgess; and if his character had been that of a noted thievish character, I should have considered him a thief in his taking this bundle of shingles in the manner he did: and that is all I intended to convey to any one, much of the evidence to the contrary notwithstanding.

I would remind the reader there was much excitement at this trial. Those that are acquainted with these kind of trials, will have to meet with evidence, (as was told to me by a celebrated counsellor,) "as coming from the dead" Look at Mr. Burnham's testimony annexed; there he tells you in so many words, that Thurston brings a false paper all written for him to sign, and there tells Burnham if he will do that, it shall not hurt him.

What man is safe in community with such a proceeding as this. But Mr. Burnham is a man of too much truth to yield to such a base and malicious transaction, as to give a false statement as Thurston requested him to do; he said to Thurston he would not do it, for it was not true. This is not the first instance, I believe, of Thurston's endeavouring to get false testimony. Look at Doct. Dewey's statement; he there says that Mr. Thurston has requested him by letter, to give him a *statement or certificate*, such an one as *he* (*Thurston*) *must know to be false.*

To proceed with the evidence—Major Henry Story, Joseph Hooper, and John Knight, is called on the part of the plaintiff, in order to show that there was probably malice in the doings of the defendant. Henry Story on the stand—when asked of the character of Thurston, he said, that his character for any thing he knew to to the contrary, stood fair; and that he had talked with

about all the seceders, and that they *told him* that they had nothing *against Thurston.* And when asked by the council for the plaintiff, what property Mr. Parsons was worth, he said, he had a handsome house in the centre of the town, and had a vessel to the West-Indies. And further—that he had heard that Parsons had said that he had 10,000 dollars to spend in this suit, &c.

I remark here, that the reader will see this is the famous Henry Story that Mr. Burnham speaks of, as getting him to go to his house for the purpose of taking down what Burnham had heard me say about the shingles, in relation to Thurston's being a thief, at the time that Thurston and Story was in close session at Story's house. Further, this is the man that could swear so roundly that he never was conquered, and he would be damn'd before he ever would be. Further, this is the character that said, (when enquired of about the false letter that Thurston had circulated in Manchester, to acquit him from the dissection business,) Story said that Thurston must do as he did, when he had told *a damn'd lie, he must swear to it.* Thus much for this *anarch* of confusion.

Joseph Hooper on the stand—this man is the *son in law to Story*, above mentioned. When asked respecting Thurston's character in Manchester, he did not know of any thing but that his character was *fair*; there had been a great noise about him, with some particular member of the church and society; but he had searched into the *origin* of the *difficulties*, and found them without foundation. This is in substance, Hooper's evidence. I ask the reader to hear what this Hooper says at the time he was on *committee, the 29th of March;* there Joseph Hooper was the bearer of the doings of the meeting to Thurston. If he did not know of any thing against him, why does he go to consult the town in relation to *advice of council.* And further, this same Joseph Hooper, after Thurston was dismissed, said, in Capt. John Lee's *fish yard*, in presence of *witness* that is ready to attest to it, and a *man of truth*, that if Thurston was a going to be settled *any where again, that he should* think it *his duty* to give *that church information of the character of Thurston*, in order *to prevent it.* This you will recollect is after Thurston is dismissed. Now look at Hooper at the time that Thurston is *dismissed;* there you see him chairman, as the council say, to the church. I presume they mean the *remnant* of the *church;* there he *recommends Thurston in the very highest terms*, to any *christian society whatever.* Is he (Hooper) *to be believed or not;* and *if so*, which of the *particulars* is he to be *believed?* Had he not a fair opportunity to hear all the church meetings, and all the town meetings that took place? Did he not know at that time, that Thurston stood charged with all the charges, or nearly all that this pamphlet contains, and is this all nothing to him? Hooper is one of the bold and inveterate church members that so resolutely declared, when at Thurston's house, *we will sign this petition to the town, &c.* I refer you to that meeting prefixed.

John Knight called on the stand by plaintiff's council, for the purpose of enquiring about what he had heard the defendant say, respecting the shingles; he was very particular indeed; he seems to know all that I did know, and *more.* One particular part of his statement was, that he came to me respecting this bundle of shingles, for the purpose of settling with me for them, and that I refu-

sed; he then stated that he told me that Thurston was a going away from Manchester, and that I replied that I should follow him. This, together with the most minute particulars, calculated to make this impression, as I understood him, that I believed that Thurston had stole this bundle of shingles, and that I would have nothing to do about the business, but would publish it, &c. The above were the principal ideas to be gathered from Knight's testimony, in order to show malice, as I understood him at that time.

I ask the reader to look how this Knight is situated in this thing. He was one of the committee; and if he was satisfied with Thurston's conduct, in respect to the shingles, why not have settled with Thurston himself? But how did he get his information? He never was on the committee that evening at the tavern; and so of course, he knew nothing of the transaction there. Did he not think that Thurston's calling on his wife, to enquire if there was any shingles left at the school-house, and she telling him that she heard Mr. Knight say there was—I say, did he not think that was sufficient liberty for Thurston to send and get them? And if he concluded so, why did he not receive the pay for the shingles? I ask, does it not look like this; his coming to my house, there introducing the subject for the purpose of becoming evidence against me? Take a view of his subsequent conduct, and then judge of his evidence. I understood that he voluntarily came from Salem, at the time of trial, for the purpose of getting his wife to come to Salem as evidence; and I was informed that she secreted herself from him and the officer, determined not to go to Salem at all events, merely to state that which the defendant would admit at any time, rather than a woman of fine feelings should be injured by coming into court; especially a woman of truth, and delicate feelings, as I believed her to be.

If this evidence was in possession of such feelings as he appeared to show at this trial, a volunteer, to come from Salem in order to get his wife to Court—the most of men wish their wives to be exhonerated from Court stands, as it is frequently unpleasant to place ladies there. From such unusual engagedness in this cause, judge of his evidence; whether it is likely to be given without colouring, or garbling, or not. I believe he did me much injury, and his intentions is best known to himself.

I here remark, the truth to the best of my knowledge is, that Knight was at my house, on the business of settling a private account; and after that was done, he went into conversation respecting this bundle of shingles that Thurston had taken, and enquired of me what was to be done about it; for, (said Knight,) Thurston is going to move out of town. I observed to Knight, that I would not have any thing more to do about the shingles. I intended to give Knight to understand that I believed Thurston had taken that bundle of shingles in a very unbecoming manner; and all I meant to convey to Knight was, that Thurston had lied to Burgess and Burnham, about getting the shingles, and that he (said Thurston) was precisely that character that Knight had in town-meeting some years before, declared Thurston to be.

The evidence being closed, Mr. Prescott closed the defence. His plea was in mitigation of damages. Though the words were spoken by the defendant as alleged, there was not an express intention of malice; neither could it be implied under such circum-

stances, and that it should have been otherwise disposed of in an equitable manner. His plea would be considered splendid at the court, where the whole testimony will come out, and where nothing shall enter that worketh abomination, or maketh a lie—and where every man, without distinction of character, shall be dealt with agreeably to the deeds done in the body, either good or evil, and according to the motives he has in view.

Mr. Webster closed for the plaintiff with his usual strength of intellect and eloquence. The referees made their return at the fall term. Damages by referees, *fifteen hundred dollars*; cost of court about *four hundred dollars*. Long before this time Thurston told some persons that Mr. Parsons' money was not what he wanted, and was not his object; but his character was all he wished for.

Is Thurston to be believed in this particular—does he relinquish this sum allowed him for damages? No, he does not. On the contrary he gets out his execution, sends his officers, has the real estate appraised—about all the real estate, dwelling house, out buildings, wharf and appendages, together with one wood lot, and brought his appraisers from Salem, and the sheriff his, viz. Joseph Evelith and Robert Peele. When they arrived, they seemed to be ready to appraise, as I was informed by one that I chose. They were ready to value the property at less than two thirds of what it would fetch, agreeable to the calculation made by my appraiser. They appraised the dwelling house for *eleven hundred dollars*; the wood lot for *sixty-six dollars*, as I understand.

Capt. Samuel M. Williams, my appraiser, would not have any thing to do with them. They proceeded to finish their business, and the officer, Mr. Mansfield, made his return. The next project was to get the balance. A trustee writ of summons was sent to Benjamin and Samuel Foster to appear at the court to be held at Ipswich.

After waiting sufficient time to shew the full intentions of Thurston, I got my worthy friend, Samuel Foster, to go to Mr. Saltonstall, council for Thurston, and make the best contract he could. He paid him the sum of *six hundred and fifty dollars*, and took a discharge. Does this look as if Thurston did not have money for his object?

I accordingly abandoned the dwelling house to him, sensible that no man of spirit or feeling would buy it, or live in it. His friend, Henry Story, did all in his power to get some one into it, but he could not effect his object. Even the boys in the street shew their disapprobation to Thurston's measures. *As soon as I moved*, they committed depredations on the premises; and in this state of things it stood, till July, 1822, about eighteen months from the appraisal. Thurston had mortgaged the premises to Mr. Saltonstall, as appears by his deed to Abigail Hooper, for between three and four hundred dollars. Finding the premises liable to complete destruction, induced me to purchase it back. I accordingly employed Miss Abigail Hooper for that purpose. She, after much labor and difficulty, as she said, obtained it of him for the sum of *eight hundred dollars*. Since which he, Thurston, has sold the woodland, as I am credibly informed, to Mr. Isaac Lee, for the sum of about *seventy dollars*. I now ask the candid reader, if money, at all events, was not Thurston's object? In the first

place, he never once intimated to me that I had injured him in the way of explaining his getting the shingles; and this the reader will remember was in the winter of 1818. Nothing done about this thing, but endeavoring to create evidence, as you will see by Burnham's affidavit, until February, 1820; then a writ put on nearly all my property of real estate, for *three thousand dollars*, and special damages, as a minister of Manchester; but it further appears, that this shingle business never was made a complaint to the council—I do not see it in any of their papers; neither was he dismissed on that account. It appears that the council found sufficient cause to dismiss Thurston from Manchester, from difficulties of a long standing, as they say. I shall now close my remarks, and leave it with the impartial reader, to judge of the whole transaction. I have endeavored to give a plain and *unvarnished statement of the facts* that took place in Manchester between James Thurston, as a Congregational preacher in that town, and those which seceded from him, with some general view of the law suit brought by Thurston, and the unfortunate result. I have given you all the strength of evidence in the case, without the least regard to my feelings for or against me, and ask the candid public if I cannot with the greatest propriety say with the celebrated Charles Philips, Esq. as delivered at the court of King's Bench, in an action between Sharp vs. Viall, clerk, to recover damages for a malicious prosecution for stealing beef and bread, value two pence, on Thursday, December 12th, 1822. before the Lord Justice and an especial jury:—"When I meet a minister of the gospel, with the patent of his election stamped upon his life—humble amid the homage which his merit gains him—poor like the dying Fenelon from his charities—pious, not in his preaching but in his acts—a link, as it were, between the earth, which he instructs, and the heaven to which he leads—teaching the happiness of the one, and tipifying the purity of the other—though I can admire such men, even in my inmost heart, yet I will not extend my reverence to that vermine sanctity which burrows its way under the foundations of the temple and eats the bread of the shrine it has endangered." And with the celebrated Cowper, I will say, "Would I describe a preacher, such as Paul, were he on earth, would hear, approve and own, Paul should himself direct me, I would trace his master strokes, and draw from his design—I would express him simple, grave, sincere; in doctrine, uncorrupt; in language plain; and plain in manner; decent, solemn, chaste, and natural in gesture, much improved himself, as conscious of his awful charge, and anxious mainly that the flock he feeds may feel it too; affectionate in look, and tender in address, as well becomes a messenger of grace to guilty men."

You have the deposition of Mr. Sargent Burnham annexed, to show how Thurston got the shingles; then you will be able to determine how far I misjudged, and the grounds that Thurston had to bring such a distressing law-suit against me; and under such circumstances whether it was not my duty to the public, to myself and family, to come out to the public with the whole truth, so far as in my power. Thurston's pretending he should bring a law suit against the town, to compel them to abide the decision of council, is one of the reasons why this truth has not appeared before this time. It is necessay to examine this memorial in order

to see if it comports with the facts in relation to Thurston's doings in Manchester. The first thing in this memorial is, Thurston reminds his friends of the vote of the 15th of May. The next he puts them in mind of the votes of the church and town on the second day of June. The vote as above mentioned is the vote that Thurston and his church asked light and direction at his dwelling house the 6th of May, and after adverting to the proceedings of the town and council, and finding that the town intends to dismiss him from his office, contrary to the decision of the council, he then tells them he considers himself *their minister*, and then appears anxious to make a compromise. How do these friends of Thurston treat him then? Thurston there says, *that they would not permit him* to officiate as their minister, and that he moved to Exeter; and that he is *ready to return to Manchester* at any time to enter on his *official duties*, when they shall signify *their desire* of his so doing. This is a fine statement indeed for a minister to make, one that pretends in his memorial that his ambition was to preserve the *affection of his flock*, &c. and where he was in hopes to spend his days in the bosoms of his *beloved people*, and be a *useful minister* of the gospel.

Here you see one third of the town, and a majority of the church, had seceded from him, and the other two thirds refused his going into the pulpit. Still he persists in being *their minister*. Under all this noise he pretends to be a *useful minister of the gospel*. I always supposed for any man to preach the gospel to be useful to his hearers, he must have the affection, and the good feeling of his hearers; and in order for that, he must be a man of *truth*, of *talents*, of *wisdom*, of *piety*, and of *morality*; if so, does this appear to be the case of *Thurston at Manchester*? Look at the Memorial, his letter annexed, with all his doings, and judge for yourselves.

I, SARGENT BURNHAM, of Manchester, county of Essex, state of Massachusetts, of lawful age, do testify and say, that in or about July of the year 1818 I was employed by Tyler Parsons, D. L. Bingham, Abial Burgess, Burley Smith, and John Knight, as a committee, for the building of a school-house in the town of Manchester, and while at work in said house Mr. James Thurston, then minister of said town, came to me and enquired of me if there was any of the shingles left that was purchased for the school-house: I replied yes, he then asked me if he could have some of them—I replied, no doubt you can by seeing the committee about them; he, (said Thurston) went off, and the next day he sent a boy for the shingles. I delivered them, supposing that Thurston had seen the committee about them—about eight days afterwards I saw Mr. Thurston, and mentioned to him that I had delivered the shingles to his boy; he (said Thurston) offered to pay me for the shingles—I refused receiving the pay, telling Mr. Thurston that I was not authorised to sell any thing from the school-house—not long afterwards Mr. Parsons, one of the committee, called on me for the account of articles delivered to any one as by order from the committee. Mr. Parsons appeared to be the man who had the principal agency in purchasing the materials, &c. I then gave him, said Parsons, *the account* of all the stuff I had delivered, excepting the shingles delivered Thurston—and the reason I did not give Mr. Parsons that account, I had an impression that Thurston had settled for the shingles.

Before my account was made out Mr. Parsons then said, go and tell Thurston that he must see them shingles forth coming before to-morrow night—for, said Parsons, I conceive it no more than stealing—Why, said I—he replied, that Thurston had no business to have taken them and you had no business to let him have them- You go, said Parsons, to-morrow morning and tell him what I tell you. I called on Thurston the next morning—he not being at home, the next time (which was soon after) I saw Thurston I told him what Mr. Parsons said to me. I then asked him if he had seen the committee about them shingles; he replied no, for that he had been in the country some days, and that he had neglected it—he then said to me, what shall I do about them shingles? I told him that he had better go and settle with the rest of the committee—he then observed he would go and see Capt. Knight about them. When I saw Thurston again he told me that he had settled for the shingles, and that I need not trouble myself any thing more about them. This I think was in the fall of the year, late in the season of 1818.

I further testify and say, that not long after I was called on to appear at the tavern in Manchester kept by Mr. Thompson. The committee were there for the purpose of settling their accounts—as it appeared to me, they were speaking about these shingles as none of the committee present had been paid for them, as they said. John Knight was not present—Capt. Burgess there stated that Thurston told him that I said I was authorised to sell the shingles to him. I then observed to Burgess, if Thurston said so he is a liar, for I never told Thurston in my life any such thing. I then stated that Thurston told me, that he had settled for the shingles, and that I need not trouble myself any more about it. The meeting broke up, not long afterward I came away.

I further testify and say, that some time in the latter part of the summer of 1819, Henry Story came to me and requested me to go with him to his house. I accordingly went, I found Mr. Thurston there—he soon began to enquire of me what I heard Mr. Parsons say about Thurston's stealing those shingles—I then told them—Thurston took down, as I supposed, what I said. I went off, and some time afterward Thurston came to me. I think it to have been in Dec. 1819, to see if I was ready to swear to what I had said—I told him that I was; he, Thurston, then produced a paper for me to sign, I refused to sign it, stating to him that I never had told him that I was authorised to sell them shingles, as that paper he had purported. He, Thurston, then told me if I would sign it, that it should not hurt me. I told Thurston that I would not sign it at all events, for it was not true—I never had told him so; therefore I utterly refused to do it. Thurston went off. And further say not.

SARGENT BURNHAM.

*Manchester, March 3d, 1823.*

*The above named Sargent Burnham personally appeared before me, and was sworn to the truth of the foregoing deposition, by him subscribed.*

DAVID COLBY, *Justice of the Peace.*

I, SAMUEL M. WILLIAMS, of Manchester, in the county of Essex, and commonwealth of Massachusetts, depose and say, that having read the charges contained in the pamphlet, entitled "Truth Espoused," when ready for the press, do believe these charges contain the reasons why many of the inhabitants of Manchester seceded from the society under the care of the Rev. James Thurston.

That I was appointed clerk to a committee, (chosen on the 20th of January, 1819,) ordered to meet on the 15th of Feb'y following—that so far as I am acquainted, I believe the account of the proceedings of each of those meetings to be given correctly. One omission I observed—Mr. Thurston did assert before said committee, that he had a paper purporting a settlement between him and Mr. Parsons; he, Parsons, denied his having any, and said Thurston was a liar—that if he had any such paper it was a forgery. Parsons called for the paper, Thurston declined.

That so far as I am acquainted with the commencement and prosecution of the law suit, Thurston vs. Parsons, as relates to evidence, &c. I believe it is given in this pamphlet with a strict regard to truth. That the papers as they are arranged, referring to the town, church, minister, and council, are true copies and given correctly; and so far as I am acquainted it is a correct history of their proceedings.

That the unhappy differences which existed in the course of the foregoing proceedings have happily subsided, and the people have united in the settlement of the Rev. Sam'l M. Emerson as their Pastor. Further say not.

SAMUEL M. WILLIAMS.

*Manchester, March 15th*, 1823.

*The above named Samuel M. Williams personally appeared before me, and was sworn to the truth of the foregoing deposition, by him subscribed.*

DAVID COLBY, *Justice of the Peace.*

*To the Rev.* SAMUEL M. EMERSON, *and the Ecclesiastical Council, convened at Manchester, on Wednesday, the twelfth day of September, A. D.* 1821.

The Memorial of James Thurston respectfully sheweth,

That having understood that the said Council are assembled for the purpose of installing the said Emerson as Minister of the church and town of Manchester; his duty to himself, his family, his profession, and the religion to which he has devoted himself, compels him to state the following facts, which he humbly conceives, shew conclusively that the ministerial contract between himself and the said town of Manchester, has never been dissolved.

On the nineteenth day of April, A. D. 1809, your memorialist was duly and regularly installed at Manchester. Before the fifteenth day of May, 1819, in consequence of some unhappy circumstances, which it is not necessary more particularly to mention, your memorialist, and the church under his care, agreed to request the town to unite with them in calling a mutual ecclesiastical council, and a copy of their application to the town as annexed marked No. 1. At a town meeting on the 15th day of May, 1819, the following vote passed, viz.

" That the town will agree with the Rev. James Thurston and the church, in calling a mutual ecclesiastical council, for advice; and to submit to the decision of the council on *fair and equitable terms*, the subject of our difficulties, and the dissolution of the pastoral and ministerial relation in this place, if the council shall judge it expedient that our connexion be dissolved. At the same meeting the churches to compose the council were agreed upon—A copy of the proceedings at the said town meeting is annexed, marked No. 2. A mutual ecclesiastical council did accordingly assemble at said Manchester, on

the second day of June, 1819, agreeably to the vote of the town, in concurrence with the wishes of the pastor, and the church, for the purpose of considering, on *fair and equitable terms* the subject of the difficulties then subsisting, &c."

After having carefully considered the subjects referred to them, on the seventeenth of June, 1819, they came to a result, which was publicly read, and they decided, "that the stated labors of your memorialist should be closed after the last sabbath in June, and that the town should take the real estate of the Rev. Mr. Thurston off his hands, at such price as shall be determined by impartial judges, mutually chosen by the parties, taking into consideration its original cost and present value. We wish it to be understood, that we are far from viewing this as an adequate remuneration, or indeed as any remuneration to Mr. Thurston. On the ground of equity we cannot but consider him as entitled to a liberal compensation for the damages that must be sustained by him. But the result is formed in a spirit of accommodation, with an anxious regard to the welfare both of Mr. Thurston and this people. He is earnestly recommended to their justice and kindness, in the hope that by all the means in their power they will endeavor to lighten the burthen, and alleviate the affliction of his being deprived of the ordinary means of support, and brought under the necessity of removing to a distance in such trying circumstances."

Your memorialist immediately declared his readiness to comply with the decision of the council, mutually called to decide upon the difficulties between himself and the town, and however painful and distressing it might be on the terms prescribed to dissolve his connexion with the people whose interests he had supposed identified with his own, and with whom he had hoped to pass the remainder of his days. This declaration was repeated by him from the pulpit on the last sabbath of July. After this he ceased publicly to officiate, but so far from complying with the condition on their part to be performed, on the 22d day of October, 1819, at a town meeting then holden they voted "not to accept the recommendation in the result of council, to take Mr. Thurston's real estate"—and also the following vote, that Mr. Thurston is dismissed from his ministry in this town. A copy of the record of said meeting is annexed, marked No. 3.

Your memorialist, finding it was the intention of the town to dismiss him from his office without any indemnity, contrary to the decision of the council, addressed the committee of the town, and also to the selectmen, a communication, a copy of which is annexed marked No. 4—an answer was received the 24th day of December, 1819, and a copy is annexed marked No. 5.

Since that time, your memorialist has repeatedly made known to individuals, the principal inhabitants of Manchester, his desire for a settlement according to the decision of the council, and that he still considered himself the minister of the town, being very solicitous for an amicable adjustment, on the 21st of May last he made a communication to the committee of said town, a copy of which is annexed, marked No. 6. Not being permitted to officiate as minister, your memorialist moved to Exeter, N. H. in but has been ready at any time to return to Manchester, and enter again upon all his official duties, should the town signify their desire of his so doing. Your memorialist has thought it his duty, after the most serious deliberation in concurrence with the advice of his friends with whom he has consulted, not as he humbly trusts from any desire to interfere with the wishes of the town, to submit to your consideration the foregoing statement.

It is his ardent wish, his fervent prayer, that the regular ministration of the gospel may be restored to them—that they have not had the uninterrupted enjoyment of it he believes this venerable council will be satisfied is not from any misconduct or neglect of duty in him. But should he now acquiesce in the proposed installation, it might operate as a complete abandonment of all his claims. He now respectfully calls the attention of the council to the circumstances of this case, and appeals to them whether he has ever been *dismissed* from his office as minister of Manchester—and if not, whether they can now proceed to the installation of another person? What was the contract between him and the town, at the time of his installation? According to the usage of our churches and the law of the land, the tenure of his office was not *at will*, but *for life*, determinable for some good and sufficient cause, or by the consent of both parties. How has it been determined? By the decision of the council? That was conditional. He was to be dismissed *upon condition*, or *provided that* the town should take his real estate, &c. The true construction of the result of council is in his apprehension perfectly clear and unequivocal. If there were any doubt, it has been removed by the declaration in writing of every individual now living, who was upon the council when they came to the result, that they considered it as conditional, and did not intend that your memorialist should be dismissed, unless the town should comply with the condition on their part. Who can suppose that the result was obligatory upon *him alone?* As the town have expressly refused to comply with the result of the council, he humbly conceives that it cannot operate as a dissolution of his ministerial compact. Will it be pretended that he has been dismissed by a vote of the town? It cannot be in the power of one party to dissolve a contract. The consent of both is necessary, otherwise it is really no contract, or only at the will of either party. What then was your memorialist to do?—Was he, conscious that he had endeavoured faithfully to discharge his official duties, under the most difficult circumstances, to relinquish the contract, to abandon his office, his being, without requiring of the town the performance of the condition?

Had he been alone in the world, aged as he is, he might perhaps have done even this, hard as it would have been; but he has a family who look to him for support and protection. No, this could not have been justly expected of him—it would not be required in any case between man and man. Who ever demanded for his own convenience, the dissolution of a contract, without any indemnity? And after all, had the condition prescribed been promptly and fully performed, it would have been, as the council suggested, far short of an indemnity. Relying on the harmony which attended and followed his settlement at Manchester, fondly hoping from these auspicious circumstances, that he should there pass his days, in the bosom of his beloved people, he considered that place as his earthly home, and his only ambition was to educate his children in a becoming manner, to preserve the affection of his flock, and to be a useful minister of the gospel. Then he was comparatively young and active, and able to provide for himself and his family—now he is verging on old age, and with his family is cast upon the wide world. But, blessed be God, his providence extends over all his works. Is it unreasonable then, your memorialist would ask, nay, is it not his duty to call upon this venerable council to listen to his memorial? But important as this case is to himself, it is still more so to the interests of the *profession*, and to the general interests of religion.

If the town of Manchester is not holden to comply with the terms prescribed by the council, or referees, or arbitrators as they may be called, as a *condition precedent* to his dismission, but their result or award, should be obligatory on himself alone, contrary to their intention—or if he is to be considered as dismissed by the *mere vote of the town*, the precedent may be fatal to the performance or validity of ministerial contracts—Then a minister is completely at the will of his parish,and a council is a vain ceremony. How different from those venerable usages, under which our churches have flourished and been blessed, with a succession of learned and pious pastors from the first settlement of our country!

In conclusion, your memorialist calls upon the pastor elect, the inhabitants of Manchester, and the venerable council there convened, to pause and reflect —if a ministerial contract is to be considered as dissolved by a vote of a town or parish, at the same time that they resolve not to accept the result of a council called upon the subject; what will be the consequence to themselves; and the churches under their care; to the ministers of the gospel, and the churches of Christ every where. With the highest respect, in behalf of

JAMES THURSTON, LEVERETT SALTONSTALL.

*Sept.* 12, 1821.

A true copy taken from the original. Attest, DAVID OLIPHANT,
*Scribe of the council convened for the installation of the Rev. Samuel M. Emerson, as pastor over the church and town in Manchester.*

**The afore mentioned memorial was treated by me and all of us, with the sentiments of Kirk White, viz:**

"I show no respect where I never can feel it,
And as for contempt, I take no pains to conceal it."

**The council disposed of the memorial to the satisfaction of the committee and town.**

[No. 1.]

A copy of the request for the concurrence of the town in calling a mutual council, signed and presented by the pastor and church committee,to the moderator of the town meeting held May 15, 1819.

*To the inhabitants of the town of Manchester, now convened in town meeting:*

MR. MODERATOR AND GENTLEMEN—We the undersigned, by desire of the church, now present you with the proceedings of the church and their pastor, in relation to the calling of a mutual ecclesiastical council for advice, and to submit to the decision of said council, on fair and equitable terms, the subject of our difficulties, and the dissolution of the Rev. James Thurston's pastoral and ministerial relation in this place, if the council shall judge it expedient that said connexion be dissolved.

These proceedings are now submitted to the town with our united request that you, gentlemen, will approve of the same, and concur with us in calling a mutual council for the purposes above expressed.

*May 15th*, 1818. We are, gentlemen, with due respect,
JAMES THURSTON, *Pastor.*

NATHANIEL M. ALLEN,
JOSEPH HOOPER,
NEHEMIAH GOLDSMITH, } *Committee of the Church.*

A true copy. Attest, DAVID OLIPHANT.

[No. 2.]

At a town meeting, legally notified and held at the meeting-house in Manchester, on Saturday the 15th day of May anno domini 1819—

1st. Chosen moderator, Maj. Israel Foster.

2d. Voted, that the town will agree with the Rev. James Thurston and the church in calling a mutual ecclesiastical council for advice, and to submit to the decision of the council, on fair and equitable terms, the subject of our difficulties, and the dissolution of his pastoral and ministerial relation in this place, if the council shall judge it expedient that our connexion be dissolved.

3d. Voted, that the following churches should be sent to, viz.—the church under the care of the Rev. Samuel Dana of Marblehead, the churches under the care of Doct. Worcester and Rev. Brown Emerson of Salem, the church under the care of the Rev. Samuel Walker of Danvers, the church under the care of the Rev. Manasseh Cutler of Hamilton, the church under the care of the Rev. Robert Crowell of Essex, the churches under the care of the Rev. David Jewett and Levi Hartshorn of Gloucester, and the church under the care of the Rev. James Miltimore of Newbury,

4th. Voted to choose a committee to make provision for the council, and to give the council information respecting our situation.

5th. Voted, that the committee consist of five, viz. William Tuck, Esq. Maj. Henry Story, Col. David Colby, Capt. Thomas Leach, Maj. Israel Foster, Ebenezer Tappan, Capt. John Hooper.

6th. Voted, that the time should be left to the church and pastor for the meeting of the council. A true copy as of record.

DELUCENA L. BINGHAM, *Town Clerk.*

A true copy. Attest, DAVID OLIPHANT.

[No. 3.]

At a town meeting, legally notified and held at the meeting-house in Manchester on Friday the 22d day of October anno domini, 1819—Chosen moderator, Maj. Israel Foster. 1st. Voted to reconsider the vote which was passed July 19th last, to refer Mr. Thurston's affairs to March meeting next.

2d. Voted to dissolve the meeting of July 19th last.

3d. Voted to pass over that article which respected the agreeing with the council and church in his dismission.

4th. Voted, that the town will not accept the recommendation in the result of council, to take Mr. Thurston's real estate.

5th. Voted, that Mr. Thurston is dismissed from his ministry in this town,

6th. Voted, that we consider the Rev. James Thurston's dismission to have taken place on the third sabbath of July last.

7th. Voted to choose a committee to settle with Mr. Thurston, to consist of three, viz. Col. David Colby, Mr. Ebenezer Tappan, Capt. John Knight.

8th. Voted, that the committee inform Mr. Thurston respecting his dismission, which took place on the third sabbath in July last. A true copy as of record. Attest, DELUCENA L. BINGHAM, *Town Clerk.*

A true copy. Attest, DAVID OLIPHANT.

In the afore mentioned town-meeting, the town begins to reason and take grounds, such as they should long before have taken. They now see the intentions of the vote of the 15th May. They

are not to be trampled on by him any longer. They refuse accepting the result of council. They vote his dismission at all events; I am inclined to think it was without a dissenting voice. They now vote to reconsider all their former votes of July 19th. Look at his answer annexed; wholly taken up on the vote of the 15th of May, and council doings; the great object is to impress on their minds, that under the vote of 15th of May, passed at town-meeting, he can recover damages of the town for not abiding the result of council. And in his last letter annexed, you will see that he speaks of the law, and that his demand does not grow less by delay As I understand him, his salary is still going on in Manchester; his being dismissed to the contrary notwithstanding.

[No. 4.]

*Manchester, Oct.* 27, 1819.

To Col. DAVID COLBY, Mr. EBENEZER TAPPAN, and Capt. JOHN KNIGHT.

GENTLEMEN—As you were chosen a committee at the town meeting on Friday last, upon the subject of my connexion with this town, as their minister, I take the liberty of making to you the following communications, and through you to the town.

At a town meeting on the fifteenth day of May last, it was voted "that the town would agree to submit to the decision of a mutual council *on fair and equitable terms*, the subject of our difficulties, and the dissolution of my pastoral and ministerial relation in this place, if the council should judge it expedient that it be dissolved," and at the same time the churches to compose the council were agreed upon.

The council agreed upon met accordingly, and on the 17th day of June last, came to a result, and decided that my dismission should take place, and that the town should take my real estate in Manchester at such price as might be determined by impartial judges, or appraisers, mutually chosen, taking into consideration its actual cost and present value. The result or decision of the council was publicly read in the meeting house on the 17th of June, and I then declared my readiness to comply with it, and to agree with the town upon appraisers; and again made the same declaration publicly on the last Sabbath of July, trusting that the town would comply with the conditions on their part But as the town at a town meeting held on Friday, did vote, not to take my real estate according to the decision of the council, I now give notice to them through you that I am ready to supply the pulpit, and to renew all my pastoral labors and duties as minister of the town according to the terms of my settlement; my settlement contract being considered as continuing.

Or if the town should reconsider their last vote, and agree to abide the decision of the mutual council, or arbitration, and take proper measures to carry the same into effect on their part, then I am ready and willing to abide by their decision, and to unite with the town in such arrangements as are necessary to a full performance of the same in all its conditions. I must ask the favor of an explicit answer to this letter as soon as may be convenient. I am, gentlemen, with due respect, yours,

JAMES THURSTON.

A duplicate of the above was sent at the same time to the selectmen, with only a variation of the first clause, which was as follows:

*To the Selectmen.*

GENTLEMEN,—I beg leave to make to you, as selectmen of the town of Manchester, and through you to the town, the following communication.

At a town meeting, on the 15th day of May last.

A true copy. Attest, D. OLIPHANT.

[No. 5.]

*Manchester, Dec. 24th*, 1819.

REV. JAMES THURSTON.—REV SIR, We have received your letter of the 27th of October, and have laid the same before the town, and according to your request we now send you their answer, it being as soon as the same could be conveniently attended to.

The town, when they agreed upon a mutual council on the subject of our difficulties, supposed that the council were to act upon such matters as are usually submitted, and not upon concerns which do not belong to such bodies, and they do not think that the council did in this instance intend to make it a condition of the dissolution, that the town should take your real estate, but only to recommend that it should be done. This recommendation the town believe to have proceeded from good motives, but having themselves a different view of the subject, they do not feel it to be their duty, under existing circumstances, to comply with it. The town cannot but consider the dissolution of your pastoral and ministerial connexion to have already taken place, and we are ready to settle with you accordingly. They cannot agree in the opinion, that your settlement contract is still continuing, as you state in your letter—and consequently cannot consider themselves under obligations to make you compensation for any time since the dissolution of the connexion.

In behalf of the town we are respectfully,

ISRAEL FOSTER, HENRY LEE, JOHN CHEEVER, } *Selectmen of Manchester.*

A true copy. Attest, DAVID OLIPHANT.

[No. 6.]

*Manchester, January* 21, 1821.

*To Col. David Colby, Mr. Ebenezer Tappan, and Capt. John Knight:*

GENTLEMEN—As you were some time since appointed by the town of Manchester a committee for the purpose of settling and adjusting my claims and demands upon said town, and as there has not yet been a settlement between me and the town, and it is very desirable to both that there should be—I think it proper to address you on the subject. Influenced by a sincere desire of a speedy, just, and happy termination of all differences, I make the following propositions, viz:—to refer to three respectable, impartial, independent men my claim, on account of the decision of the late council as to the town's taking my real estate, or for damages in the premises, and for all my demands against the town—the award of the said three men to be final and conclusive between us. If the referees or arbitrators cannot be mutually agreed upon between us, (as I have no doubt they can) I am willing to agree that any two Judges of the Supreme Court may appoint them.

Should you think proper to communicate this proposition to the town, it will be necessary for them to appoint agents to enter into a rule, or execute an arbitration board, and conduct the business on their behalf.

This business is of great importance to me, and I cannot but hope that th town will see the justice and prudence of paying attention to it, and of takin such measures as you would do as individuals in any such affair between ma and man. to bring it to a close. If we cannot settle it ourselves, it is certain ly best to leave it to persons in whom we all have confidence, rather than r sort to law.

In the way above proposed we may hope that our difficulties will be am cably settled—and gentlemen by a careful perusal of the result of council, yo will perceive that my demands upon the town do not grow less by delay, yo therefore will, I hope, endeavor to attend to the subject as soon as may l convenient. I am, gentlemen, with due respect, your's, &c.

JAMES THURSTON.

A true copy: Attest, D. OLIPHANT.

FINIS.

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